

PUBLIC NOTICE



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

**Permit No. NWK-2015-00646
Issue Date: February 26, 2016
Expiration Date: March 18, 2016**

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: Greg Graves
5085 West 177 Terrace
Stillwell, Kansas 66085

PROJECT LOCATION (As shown on the attached drawings): Unnamed tributaries to Harding Creek and an adjacent wetland, Section 10, Township 43 North, Range 33 West, Drexel, Cass County, Missouri.

USGS 1:24K QUAD: MO-Freeman
Latitude: 38.54185 – Longitude: -94.55656

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

ACTIVITY (As shown on the attached drawings): **Proposed Work:** The applicant has proposed construction of a single-owner lake located southeast of the intersection of 315th and Nelson Roads in Drexel, Missouri. The proposed lake would form by filling 525 linear feet of intermittent stream with earthen material to create an impoundment and spillway features. The formation of the lake would inundate 0.012 acres of wetland, 2,768 linear feet of ephemeral stream and 4,071 linear feet of intermittent stream. A plunge pool will be constructed in uplands at the base of the spillway to avoid fill-associated impacts to down-gradient waters. The lake footprint would measure 58.2 surface acres. The applicant claims the lake would add to the recreational and aesthetic value of their land and provide an ideal home site. Thus, the purpose of the proposed project, as stated by the applicant, is to develop a private, recreational lake, homestead, and wildlife management area. Planned potential development of the site consists of a home, driveway, outbuildings, boat dock, boat ramp, and pumping stations for livestock watering.

WETLANDS/AQUATIC HABITAT: One forested palustrine wetland exists within the project area measuring 0.012 acres. Post dam construction, the 0.012 acre wetland would be permanently lost as a result of inundation.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

As stated by the applicant: As with most designs of this type, several iterations of dam and spillway locations and lake size were considered. The current design has avoided significant impacts including control of all temporary impacts expected during construction to Harding Creek, the perennial receiving stream. The combined principal and emergency spillway will consist of a concrete weir entrance and control section, rock-lined channel extending to the bottom of the slope, and rock-lined plunge pool. Impacts were avoided to existing farm ponds and outlets to streams on the property. No crossings to Harding Creek are proposed. Concerning long-term water quality enhancement within the local watershed, upon completion of the Project, land use in the area will be changed from primarily agricultural use and livestock grazing to recreation and natural area uses. The establishment of mature, native grassland and woodland areas to improve wildlife habitat while removing potential overgrazing by livestock is expected to improve the overall quality of stormwater runoff from the property and receiving stream system. It is anticipated that compensatory mitigation will be accomplished through a combination of onsite mitigation, Harding Creek stabilization and improvement downstream of the lake, and payment into current approved mitigation bank or in lieu fee programs, if required.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Matthew Sailor, U.S. Army Corps of Engineers, Kansas City District Regulatory Office, 601 East 12th Street, Kansas City, Missouri 64106, telephone: (816) 389-3739, or via email at matthew.c.sailor@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. There is one archaeology site (CS67) located within the project boundary however this is the extent of our knowledge about historic properties in the permit area at this time. 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 (ESA), a preliminary determination has been made that the described work may affect, but is not likely to adversely 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. The Kansas City District will use these comments to fulfill our consultation responsibilities under Section 7 of the ESA.

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.

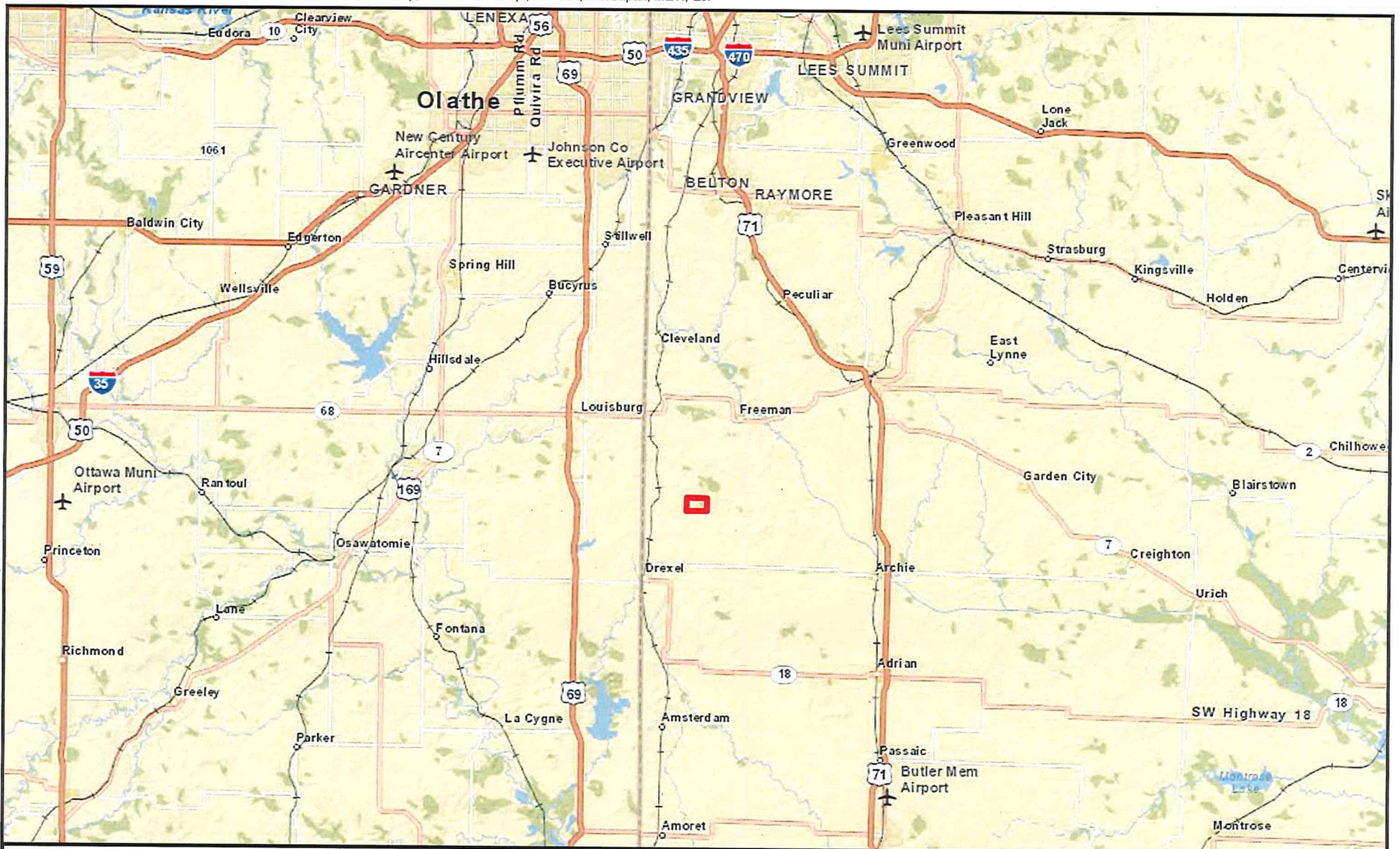
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application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

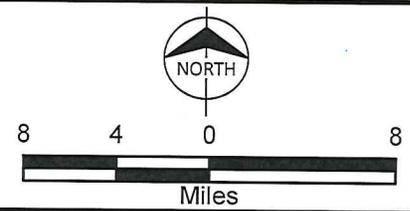
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The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

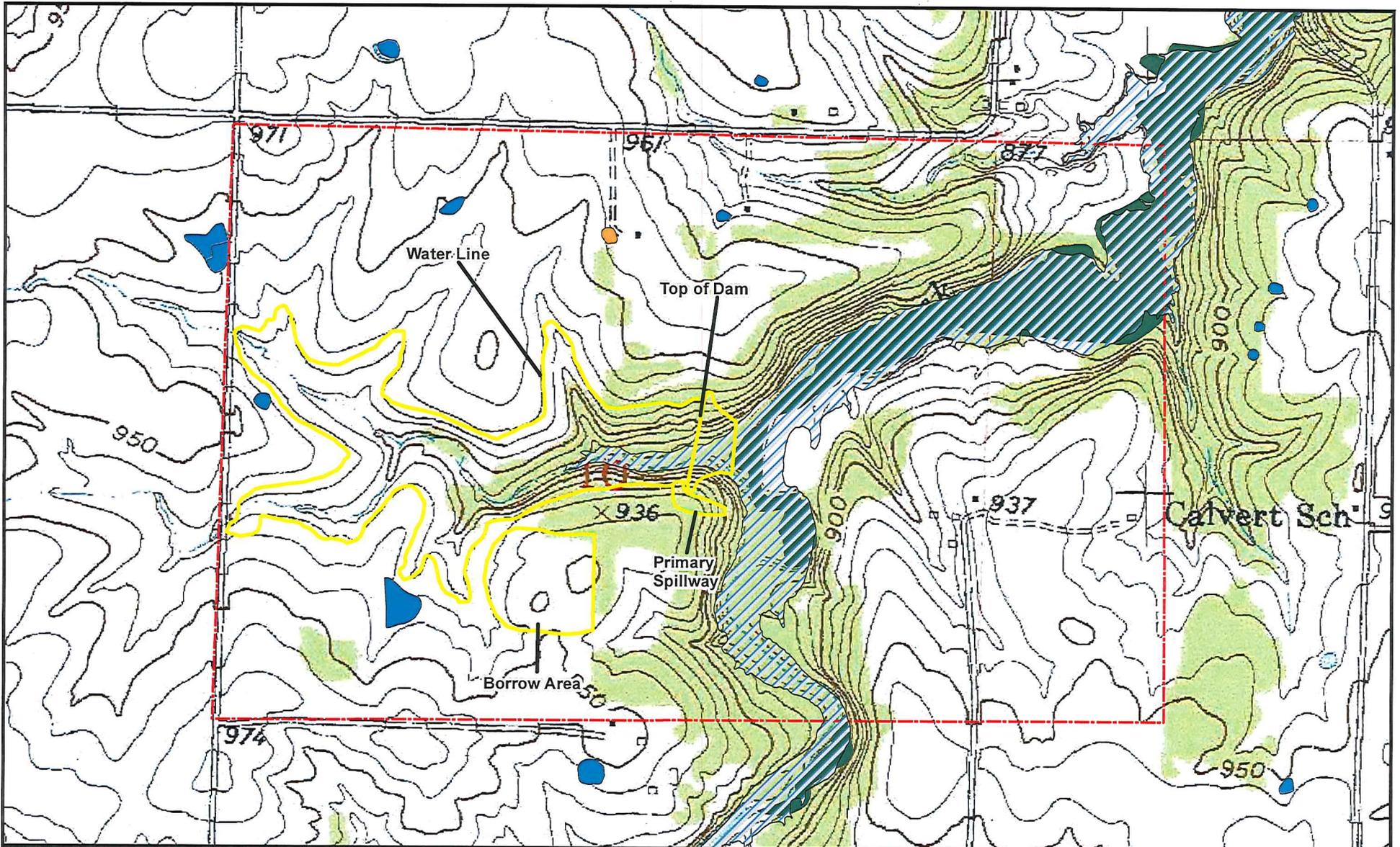
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



 Approximate Parcel 16 Boundary

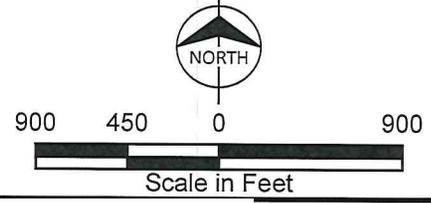


APPLICATION NO. NWK-2015-00646
 GREG GRAVES
 RECREATIONAL LAKE
 UNNAMED TRIBUTARIES TO HARDING CREEK
 AND AN ADJACENT WETLAND
 CASS COUNTY, MISSOURI
 SHEET 1 OF 7
 DATED 26 FEBRUARY 2016

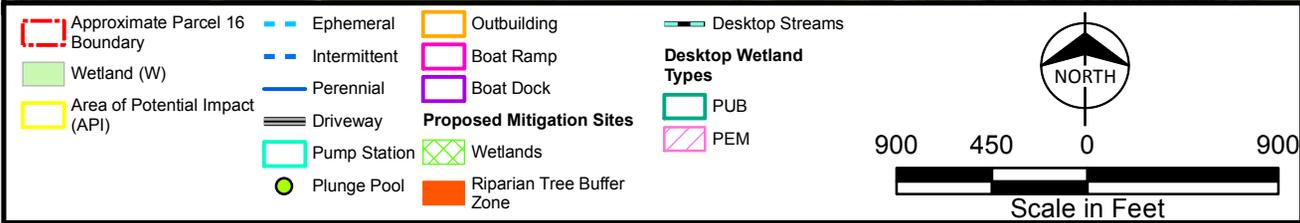
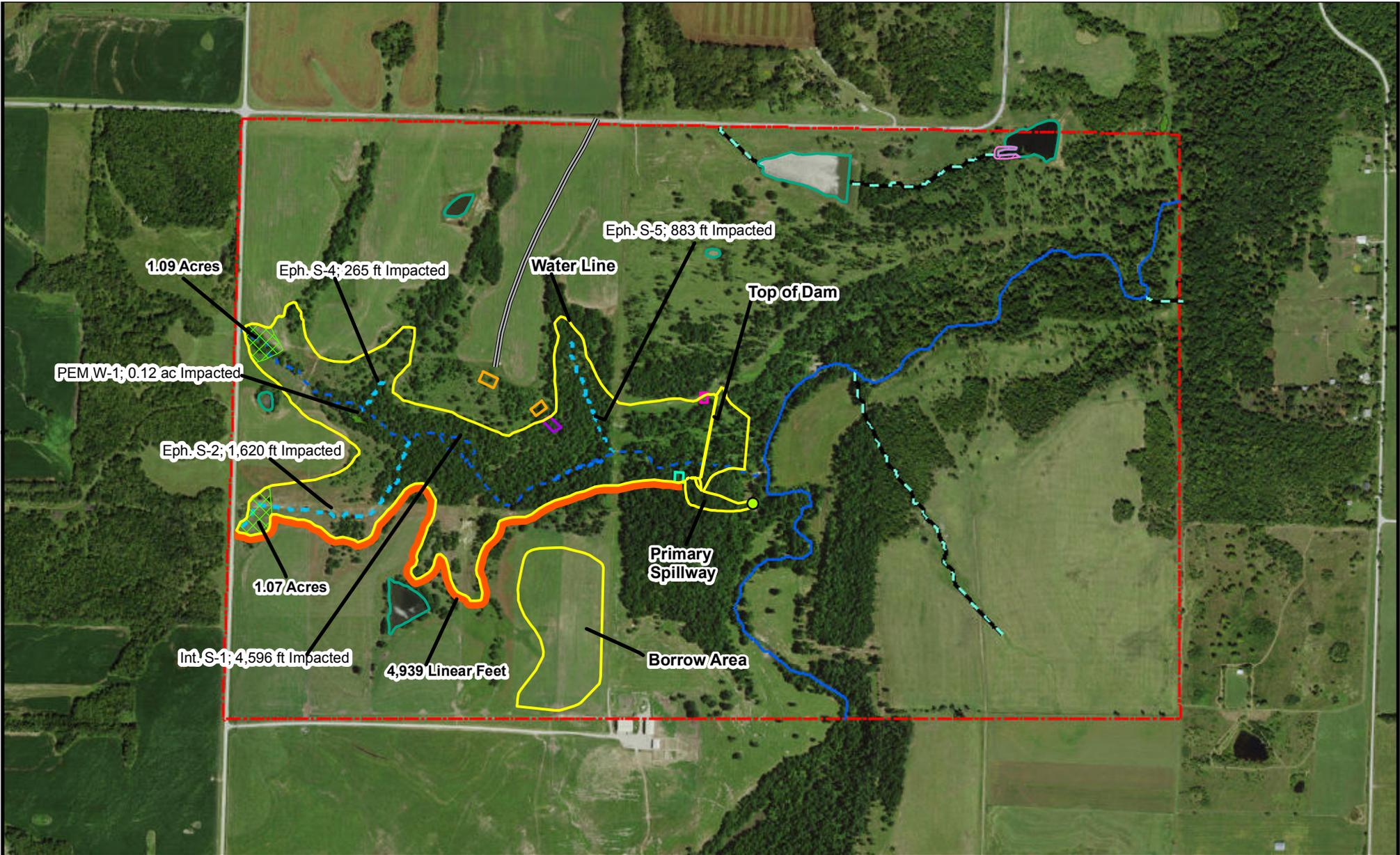


- Area of Potential Impact (API)
- Approximate Parcel 16 Boundary
- FEMA Flood Zone A

- NWI Wetland**
- PSS
 - PFO
 - PUB



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Lower flow line culvert Elev. 923.5
Center line Rd @ culvert Elev. 927.6

NELSON ROAD

Water Line (922)

DAM

SPILLWAY(Rock channel)

Lower flow line culvert Elev. 922.0
Center line Rd @ culvert Elev. 927.5

Proposed Borrow area
(Subject to boring & sampling)

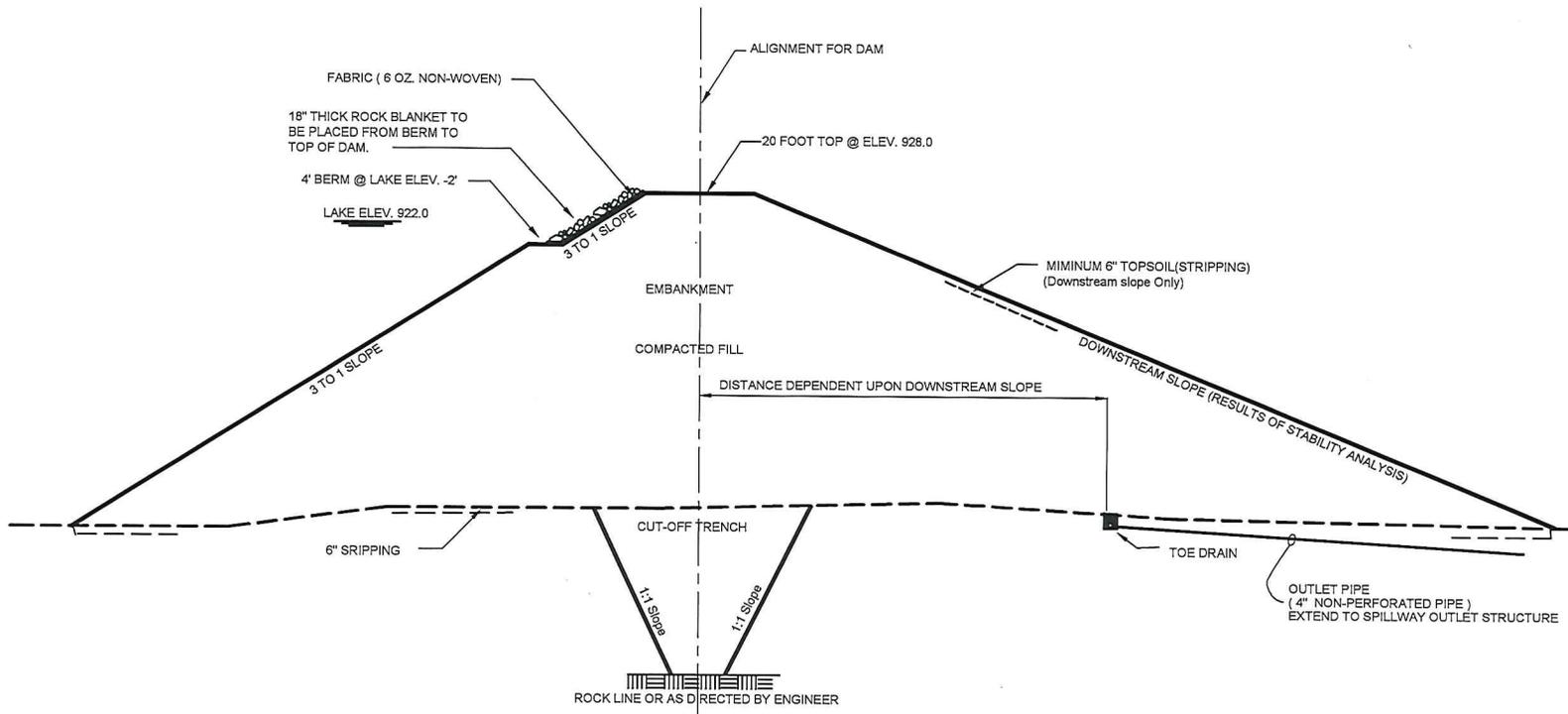
© 2015 Google

1224 ft

Scale 1" = 500'

PROPOSED DAM, SPILLWAY AND LAKE SHORE LINE

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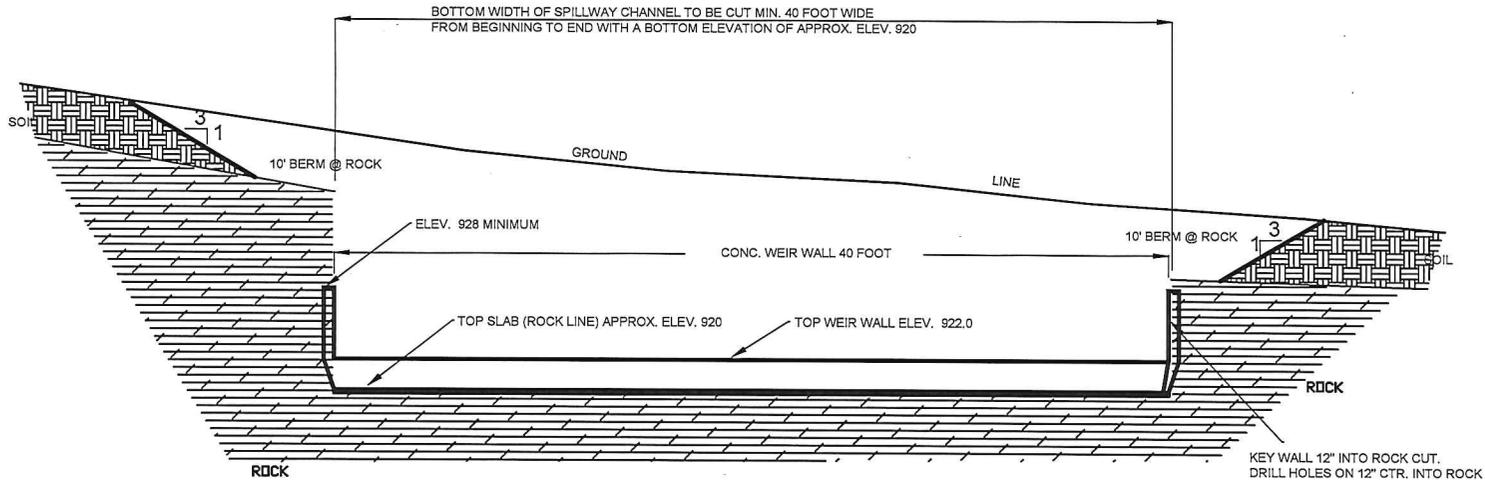


NOTE:
 EXCAVATE CUT-OFF TRENCH TO ROCK LINE
 OR AS DIRECTED BY THE ENGINEER.
 CUT-OFF TRENCH TO HAVE MINIMUM 10 FOOT BOTTOM WITH 1 TO 1
 SIDE SLOPES.
 REMOVE WEATHERED ROCK IN CONFORMANCE WITH THE
 SPECIFICATIONS.

SECTION EMBANKMENT
 NO SCALE

PROPOSED EMBANKMENT SECTION

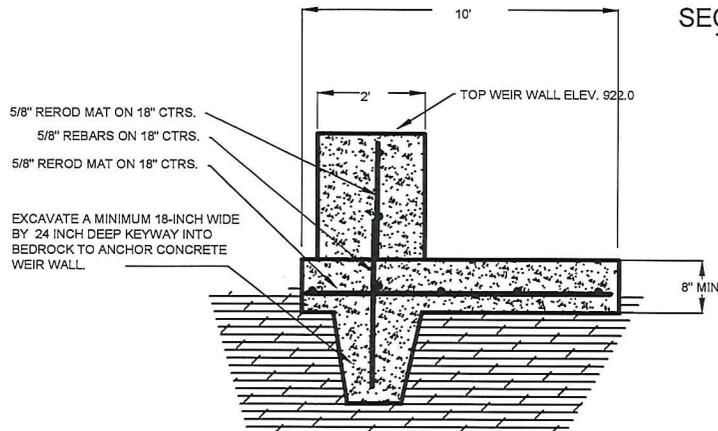
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KEY WALL 12" INTO ROCK CUT. DRILL HOLES ON 12" CTR. INTO ROCK TO ANCHOR $\frac{5}{8}$ " REBRODS WITH EXPXY FOR SUPPORTING 24" WIDE VERTICAL WALL ALONG EDGE OF ROCK CUT. REINFORCE VERTICAL WALL WITH A $\frac{5}{8}$ " MAT ON 18" CTRS.

SECTION SPILLWAY CHANNEL

NO SCALE



CONSTRUCT A CONCRETE SLAB 10 FOOT WIDE WITH THE TOP SURFACE LEVEL AND THE BOTTOM SURFACE IN CONTACT WITH SOUND ROCK AND A KEYWAY EXTENDING 24 INCHES INTO ROCK. THE SLAB SHALL NOT BE LESS THAN 8" THICK AT ANY POINT. A STEEL MAT SHALL BE PLACED NEAR THE CENTER OF THE SLAB. TOP OF SLAB SHALL NOT TO BE HIGHER THAN Rock + .5'.

SECTION CONCRETE WEIR WALL

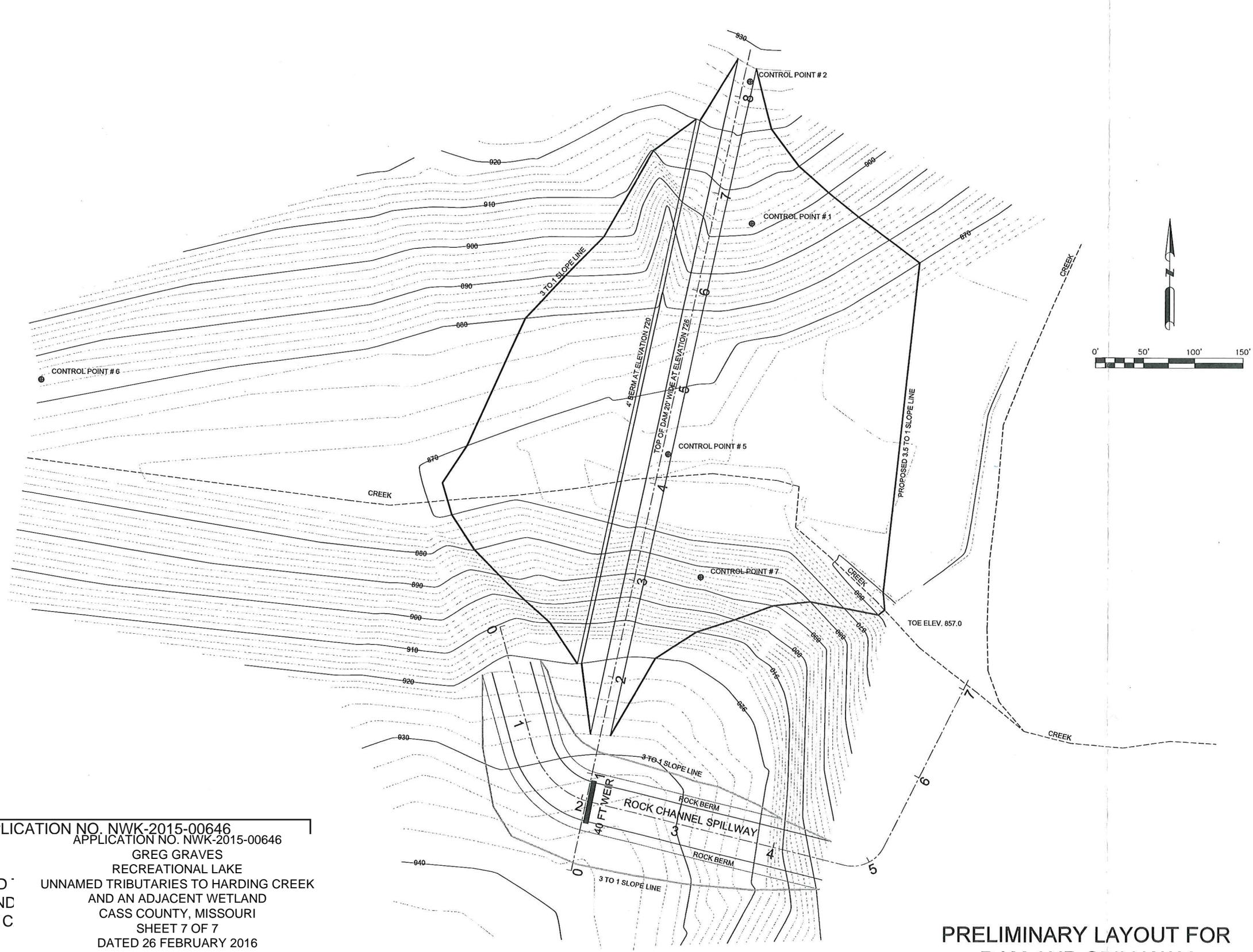
NO SCALE

PROPOSED PRIMARY SPILLWAY (Rock Channel)

No Scale

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PRELIMINARY LAYOUT FOR
 DAM AND SPILLWAY