

PUBLIC NOTICE



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

**Permit No. NWK-2016-00217
Issue Date: March 28, 2016
Expiration Date: April 18, 2016**

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: Fawn Creek Farms, LLC
759 Highway 9
Blue Rapids, Kansas 66411

PROJECT LOCATION (As shown on attachments): In/along the Big Blue River, Section 20, Township 4 South, Range 7 East, Marshall County, Kansas.

BLUE RAPIDS USGS QUAD
Latitude: 39.69377 --- Longitude: -96.67097

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

ACTIVITY: Applicant proposes to restore existing cropland to full functional use by discharging up to 3,000 cubic yards of sand (80%) and sediment (20%), deposited by the Big Blue River, back into the river. The material was deposited during flood events in May and June 2015, and has been stockpiled for disposal. Disposal would be accomplished by pushing material over the riverbank with heavy machinery in quantities and frequencies dictated by the river to allow for temporary disturbance and redistribution within the river.

WETLANDS/AQUATIC HABITAT: The activity would result in the discharge of fill material into the Big Blue River within a reach of approximately 750 linear feet. Applicant proposes to discharge material into the river in a manner that would not result in the conversion from river to uplands or permanent loss of aquatic habitat.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Practicable upland disposal alternatives have been exhausted (approximately 10% of material). As the material is proposed for placement in a manner that will not result in a permanent loss of Waters of the U.S., no compensatory mitigation is proposed by the applicant.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Matthew Mikulecky, Kanopolis Regulatory Field Office, 107 Riverside Drive, Marquette, Kansas 67439 at telephone: (816) 389-3027 or via email at: matthew.j.mikulecky@usace.army.mil. All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant may need to apply 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: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not 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.

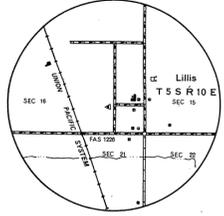
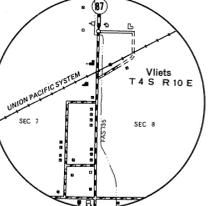
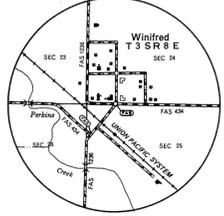
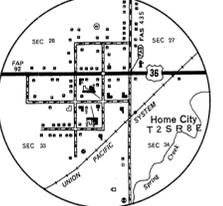
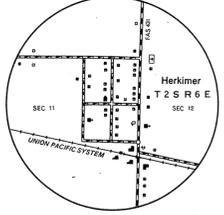
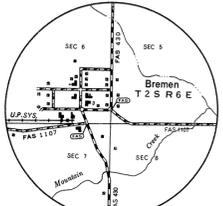
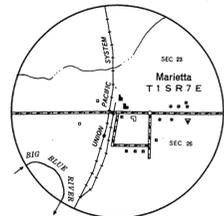
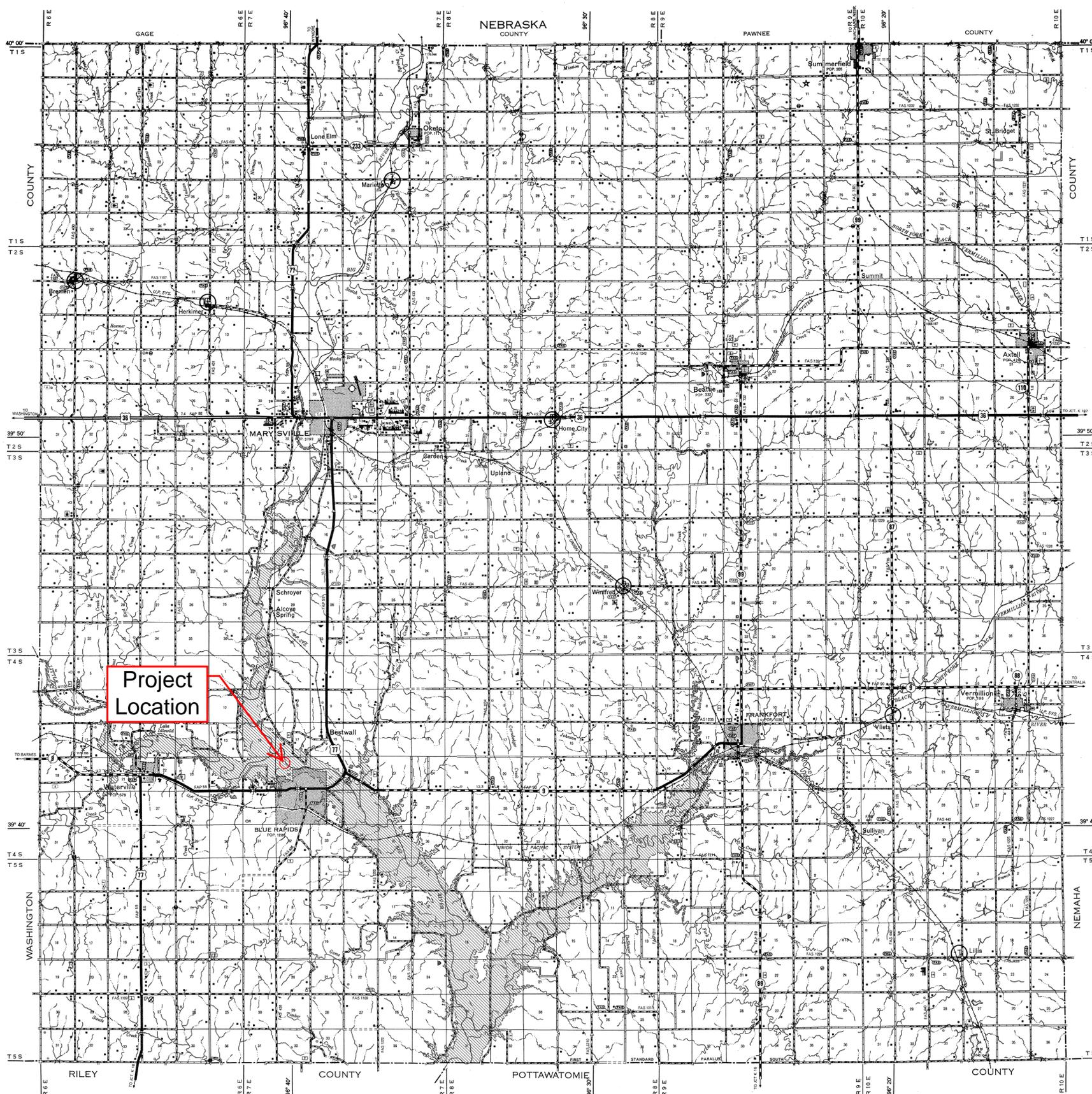
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The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

LOCATION MAP



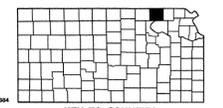
ROADS AND ROADWAY FEATURES		CONSERVATION AND RECREATION	
Primitive Road (Type A)	---	Picnic Ground	▲
Unimproved Road (Type B)	---	Playground, Ball Field, Etc.	▲
Graded and Drained Road (Type C)	---	Bathing Beach or Swimming Pool	▲
Soil Surfaced Road (Type D)	---	Camp Site, No Remnants (Tents or Trailer Parking)	▲
Gravel or Stone Road—Not Graded or Drained (Type E-1)	---	Tourist Court or Motel (Figure Indicates Number of Permanent Cabins or Cottages)	▲
Gravel or Stone Road—Graded and Drained (Type E-2)	---	Camp or Lodge (Permanent Site With Building)	▲
Gravel or Stone Road With Seasonal Surface (Type E-3)	---	Small Park (SP—State, CP—County, MP—Municipal, SR—State, Rest Area)	▲
Blumhouse Road—Low Type (Type F, G-1, H-1)	---	Buildings	▲
Blumhouse Road—High Type (Type G-2, H-2, J, K, L)	---	Basin	▲
Divided Highway	---	Pond	▲
Highway With Full Control of Access	---		
Side Roads and Streets in Unincorporated Urban Compacts and Extensions of Local Roads Within Municipalities	---		
4 Lane Undivided Highway	---		
Projected Road	---		
Road System Designation		FARM UNITS, DWELLINGS, ETC.	
Federal-Aid Interstate Highway System	FAI	Farm Unit	■
Federal-Aid Primary Highway System	FAP	Swelling (Other Than Farm)	■
Federal-Aid Secondary Highway System	FAS	Rows or Groups of Dwellings Closely Spaced (Figure Denotes Number of Dwellings)	■
Federal-Aid Urban Highway System	FAU	Combined Dwelling and Store	■
Route Between Which Distances are Measured	---	Dwelling and Filling Station	■
U.S. Numbered Highway	---	Dwelling, Business, and Filling Station	■
State Highway System or State Numbered Highway	---	Tenants House	■
End of Designated System or Marked Route	---	Residential or Summer Colony Dwelling	■
RAILROADS		Hotel, Inn	
Railroad (Any Number of Tracks Used by a Single Operating Company or by Trains of Another Carrier Under Trackage Rights)	---	Humane Society Quarters	■
Railroad in Jurisdiction (Two or More)	---	Church or Other Religious Institution	■
Tracks of Separately Operated Companies on Adjacent Rights-of-Way	---	Church and School (Joint Use)	■
Abandoned Railroad (Track Retained)	---	Cemetery	■
Railroad Station	■	Church With Cemetery Adjacent	■
AIRWAYS AND AIRPORTS		Fresh Air Farm or Rest Home	
Airport Complete Facilities (Commercial or Municipal)	■	Hospital	■
Limited Facilities	■	Well	■
Landing Area or Strip (Including Private Air Fields)	■	Port of Entry or Weight Station	■
Army Light Station, General	■	Group of Mixed Cultural Features Closely Spaced (Figure Shows the Indicated Number of Dwellings Included in the Group. Figures over individual units show number of each included regardless of order)	■
Airport, General	■	INDUSTRIAL	
NAVIGATION		Store or Small Business Establishment	
Navigable Stream (No-reversing navigation)	---	Business and Post Office	■
Intermittent Stream (Narrow)	---	Business and Filling Station	■
Intermittent Stream (Wide)	---	Factory or Industrial Plant	■
Narrow Stream	---	Oil or Gas Well	■
Wide Stream	---	Oil or Gas Field	■
Drainage Ditch	---	Storage Tank (Gas or Oil) (Figure Denotes Number of Tanks)	■
Irrigation Ditch	---	Filling Station (Not Connected With Other Business)	■
Lake, Reservoir, or Pond	■	Pumping Station (Oil or Gas)	■
Dry Lake Subject to Flood	■	Gauging or Pumping Station (General)	■
Marsh or Swamp Land	■	Valve House	■
Overflow Land	■	Seasonal Industry (Canary or Small Grain Mill)	■
STRUCTURES		Milk Depot, Creamery or Cheese Factory	
Highway Bridge, General	---	Fruit or Produce Packing House	■
(Total Span Greater Than 20 Feet)	---	Road Stand Farm Products Sales	■
Small Bridges Closely Spaced	---	Warehouse—General (If Government Add State or U.S.)	■
Bridges for Long River Crossings		Grain Elevator	
General	---	Group of Grain Storage Bins	■
Arch	---	Greenhouse	■
Truss or Girder (w. wood s. steel)	---	Nursery	■
Canterbury Bridge	---	Stock Feed-Loading Pen or Corral	■
Highway Grade Separation	---	Stock Pen at Railroad Staging (Small)	■
Miscellaneous Structures		Gravel Pit	
Levee or Dike With Road	---	Quarry	■
Concrete Foot or Dip	---	Kin or Oven (Lime, Clay Products, Coke, Etc.)	■
Ford-Road Establishment	■	Feed Lot	■
Cattle Guard	■	Shopping Center	■
Gas Across Road (Any Type)	---	Seasonal Business	■
BOUNDARIES		Sawmill (Stationary)	
State	---	EDUCATIONAL AND CORRECTIONAL INSTITUTIONS	
County	---	Schoolhouse	
Corporate Lines	---	Consolidated or Large School	
Boundary Lines Established For Delimited Urban Places	---	Townhall, Grange, or Community Hall	
Section Lines	---	Agricultural Experiment Station	
Boundary to Mark Enlargement Inland	---	Correctional Institution	
Parks and Other Reservations National, State, County or Municipal Park, Indian Reservation, National Monument, Federal Development Project	---	Museum—General	
Monument—Small, Historic Site	■	Public Library	
CITY AND VILLAGE CENTERS		PUBLIC SERVICE FACILITIES	
State Capital	■	Post Office	
County Seat	■	Highway Garage	
Other Cities and Villages	■	Fire Engine House	
Incorporated City or Village	■	Garbage or Rubbish Dump	
Boundary Lines Fixed for Special Tracing Areas and Other Unincorporated Urban Places Delimited	---	Sewage Disposal Plant	
NATURAL FEATURES		Auto Salvage Yard	
Prominent Elevation—With Name (Numerals Indicate Elevation Above Sea Level)	▲	Transformer Station	
Sink or Depression	▼	Power Plant	
		Power Substation	
		Booster Station	
		Water Supply, Stand Pipe, or Tank	
		Radio Station (With Call Letters)	
		Radio Range Station	
		Water Treatment Plant	
		Junkyard	
		U.S. Corps of Engineers Office	
		Miscellaneous	
		Fort, Army Camp, Barracks, or Other Military Post	
		Transmission Station	
		Bench Mark (With Elevation)	

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

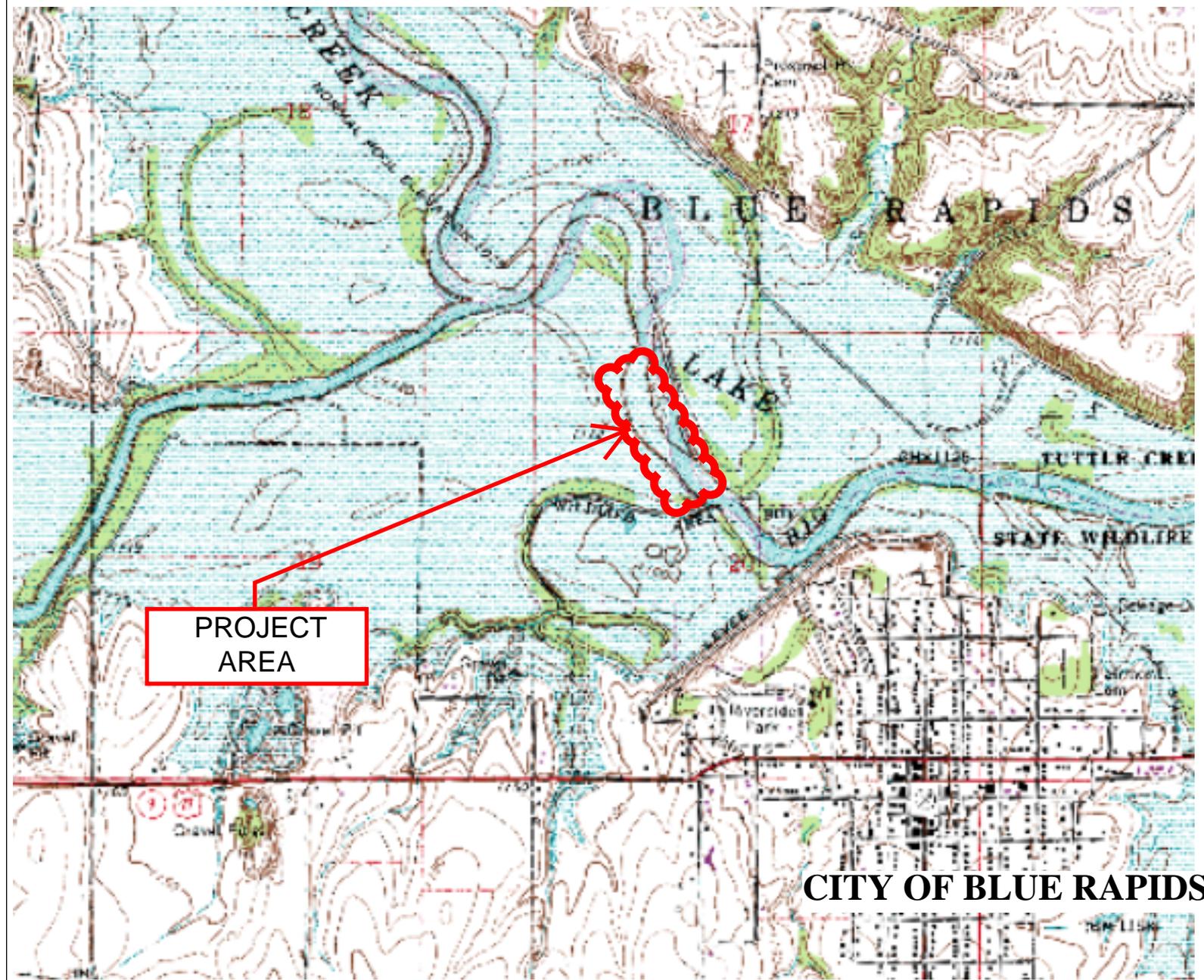
1986
POLYCONIC PROJECTION



POPULATION—DIVISION OF THE BUDGET 1984
INVENTORY COMPLETED 12-31-86
F. A. AND STATE SYSTEMS REVISED TO 8-81

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

APPLICATION NO. NWK-2016-00217
FAWN CREEK FARMS, LLC
SAND/SEDIMENT DISPOSAL
BIG BLUE RIVER
MARSHALL COUNTY, KANSAS
SHEET 1 OF 3
DATED 28 MARCH 2016



PROJECT
AREA

CITY OF BLUE RAPIDS



Farm Creek Farms, LLC Sediment Disposal

NWK-2016-00217



TOPOGRAPHIC VIEW



APPLICATION NO. NWK-2016-00217
FAWN CREEK FARMS, LLC
SAND/SEDIMENT DISPOSAL
BIG BLUE RIVER
MARSHALL COUNTY, KANSAS
SHEET 2 OF 3
DATED 28 MARCH 2016

AERIAL VIEW

NWK-2016-00217

DISPOSAL REACH



750 LF



APPLICATION NO. NWK-2016-00217
FAWN CREEK FARMS, LLC
SAND/SEDIMENT DISPOSAL
BIG BLUE RIVER
MARSHALL COUNTY, KANSAS
SHEET 3 OF 3
DATED 28 MARCH 2016



600 ft

