

PUBLIC NOTICE



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

**Permit No. NWK-2016-00286
Issue Date: April 28, 2016
Expiration Date: May 19, 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: Byron Enix
3932 Fawn Glen Place
Santa Rose, California 95403

PROJECT LOCATION (As shown on the attached drawings): The project is located on an unnamed tributary to Middle Fork Chisholm Creek in Section 12, Township 26 south, Range 1 east, Sedgwick County, Kansas.

[Latitude: 37.8070 - Longitude: -97.2718 – Quad: Valley Center]

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 approximately 1,200 cubic yards of fill material for the construction of an earthen dam. The new impoundment would have a 3.65 acre permanent pool and would fill/inundate a total of 1,942 feet of intermittent stream channel and approximately 0.24 acres of emergent wetlands. The proposed dam would be 200 feet long, 8-10 feet high, have a 3.5:1 front slope, a 4:1 back slope, and a 20 foot top width. The dam would have a 24" steel pipe running through the structure to a rock-lined stilling basin. The purpose, as stated by the applicant, is to create a private, multi-purpose pond for recreation, flood control, sediment retention, and wildlife habitat.

WETLANDS/AQUATIC HABITAT: A wetland delineation provided by a qualified consultant identified two emergent wetlands totaling approximately 0.24 acres.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Some tree removal has already occurred at the proposed pond site; however impacts to the stream were minimized by using excavators instead of bulldozers. Any further stream disturbance would be limited to the minimum necessary to complete the project. For mitigation of unavoidable impacts, the applicant is proposing permittee-responsible mitigation.

Proposed mitigation could include stabilizing approximately 1,000 feet of existing streambank using bioengineering techniques; restoring the riparian area by re-establishing stands of deep-rooted vegetation in areas adjacent to the stream; preserving existing riparian areas; enhancing existing buffers and creating buffers using native vegetation; and creating wetlands on the property. A mitigation plan would be developed using the Kansas Stream Mitigation Guidelines in consultation with a qualified environmental consultant.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Sarah Reznicek, U.S. Army Corps of Engineers, Kansas State Regulatory Office, 2710 NE Shady Creek Access Road 67042, telephone (816) 389-3741, or email at sarah.reznicek@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. 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 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.

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.

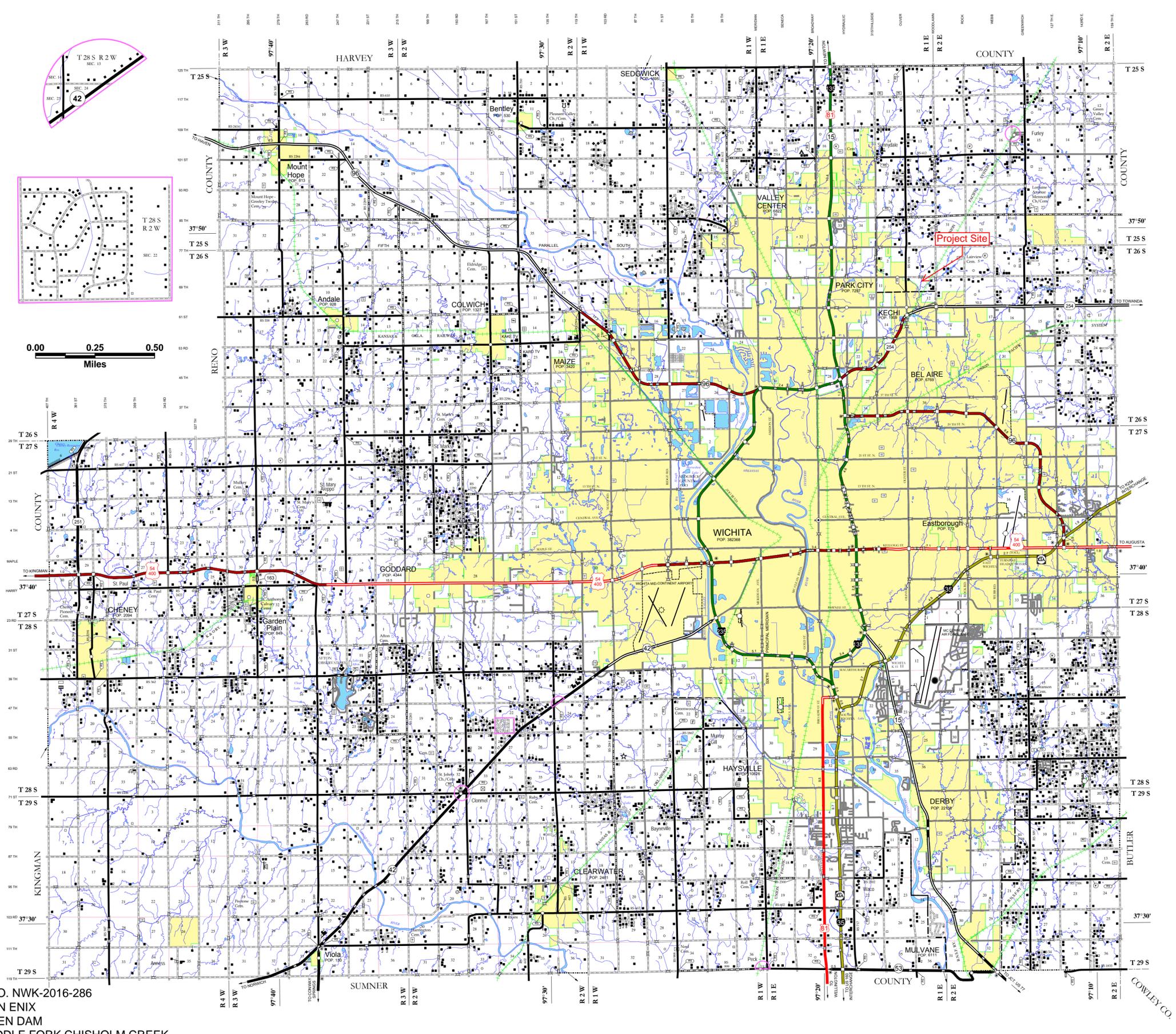
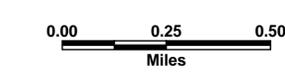
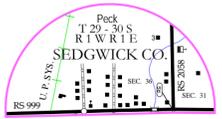
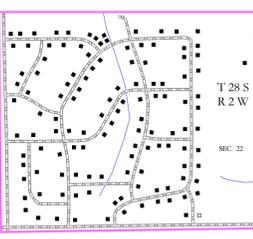
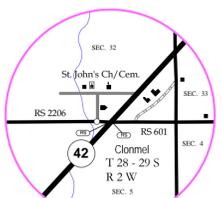
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application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



ROADS AND ROADWAY FEATURES		LEGEND	
Controlled Access (With Interchange) - Interstate		CONSERVATION AND RECREATION	
Kansas Turnpike (KTA) (With Interchange)		Public Recreation	
US Route - Controlled Access (With Interchange)		Scenic, Tourist, or Historical Site	
US Route - Divided		Trailer Park	
US Route - Undivided		Hotel or Motel	
State Route - Controlled Access (With Interchange)		Camp or Lodge (Permanent Site with Building)	
State Route - Divided		Small Park (SP - State Park, CP - County Park)	
State Route - Undivided		MP - Municipal Park, SR - Safety Rest Area	
RS Route - Divided		Fish Hatchery	
RS Route - Paved		Game Farm	
RS Route - Unpaved		Game Preserve or Bird Sanctuary	
Minor Road - Paved		Rifle Club (Public)	
Minor Road - Stone or Gravel		Golf Course or Country Club	
Minor Road - Soil		Riding Academy, Saddle Club, or Stables	
Side Road or Street in Unincorporated Area		Race Course or Speedway	
ROAD SYSTEM DESIGNATION		Marina	
Rural Secondary System		Rodeo Grounds	
County Road System		Fair Grounds	
Points Between Which Distances are Measured		FARM UNITS, DWELLINGS, ETC. IN USE ABANDONED	
Interstate Numbered Highway		Dwelling	
U.S. Numbered Highway		Multi Dwelling	
State Highway System or State Numbered Highway		Church or Other Religious Institution	
End of Designated System or Marked Route		Cemetery	
RAILROADS		Church with Cemetery	
Railroad (Operating Company)		Rest Home	
Grade Crossing		Hospital	
Railroad Above		State Post of Entry or Weigh Station	
Railroad Below		Group of Mixed Cultural Features Closely Spaced	
AIRWAYS AND AIRPORTS		INDUSTRIAL	
Military Field (Some Facilities Available)		Store or Small Business Establishment	
Airfield (Limited Facilities)		Mine	
Airway Light Beacon (General)		Oil or Gas Well(s)	
Airport (Complete Facilities) (Commercial or Municipal)		Storage Tank(s) (Gas or Oil)	
DRAINAGE		Pumping or Gauging Station	
Major River		Orchard or Tree Farm	
River		Grain Elevator	
Minor Drainage		Stock Yard - Loading Pen or Corral	
Irrigation Ditch or Canal		Quarry	
Lake Subject to Flood, Overflow Land		Feed Lot	
Lake, Reservoir, or Pond (With Dam)		EDUCATIONAL AND CORRECTIONAL INSTITUTION	
BRIDGES		Schoolhouse	
Bridges (Total Span Greater than 20 Feet)		Grange, Townhall, or Community Center	
Open to Traffic		K.S.U. Agricultural Research Center	
Closed to Traffic		Correctional Institution	
Highway Grade Separation		Museum (General)	
MISCELLANEOUS		PUBLIC SERVICE FACILITIES	
Roadabout		Post Office	
Bike and Walking Trail		Road Maintenance Shop	
Levee or Dike		Fire Station	
Natural or Concrete Ford		Landfill	
Gate Across Any Road (Any Type)		Sewage Disposal Plant	
BOUNDARIES		Salvage Yard	
State		Power Plant	
County		Water Tower	
City Limits		Water Treatment Plant	
Section Lines		Wind Farm	
Boundary to Mark Enlargement Inset		Radio Station (With Call Letters)	
Parks and Other Reservations National, State, County or Municipal Park, Indian Reservation, National Monument, Federal Development Project		U.S. Corps of Engineers Office	
NATURAL FEATURES		MILITARY	
Prominent Elevation - With Name (Numerals Indicate Elevation Above Sea Level)		Fort, Army Camp, Barracks, or Other Military Post	
CITIES OR NAMED PLACES		CITIES OR NAMED PLACES	
State Capital		State Capital	
County Seat		County Seat	
Populated Places		Populated Places	
Locale		Locale	
Incorporated City		Incorporated City	



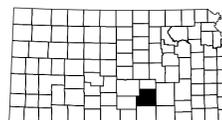
**GENERAL HIGHWAY MAP
SEDGWICK COUNTY
KANSAS**

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



November 2011

LAMBERT CONFORMAL CONIC PROJECTION



POPULATION - 2011 U.S. CENSUS
CERTIFIED TO THE SECRETARY OF STATE
BY DIVISION OF THE BUDGET JULY 1, 2011

REINVENTORY COMPLETED 9-5-2006

RURAL SECONDARY SYSTEMS REVISED TO 8-15-2005

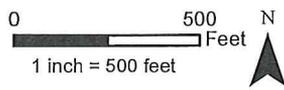
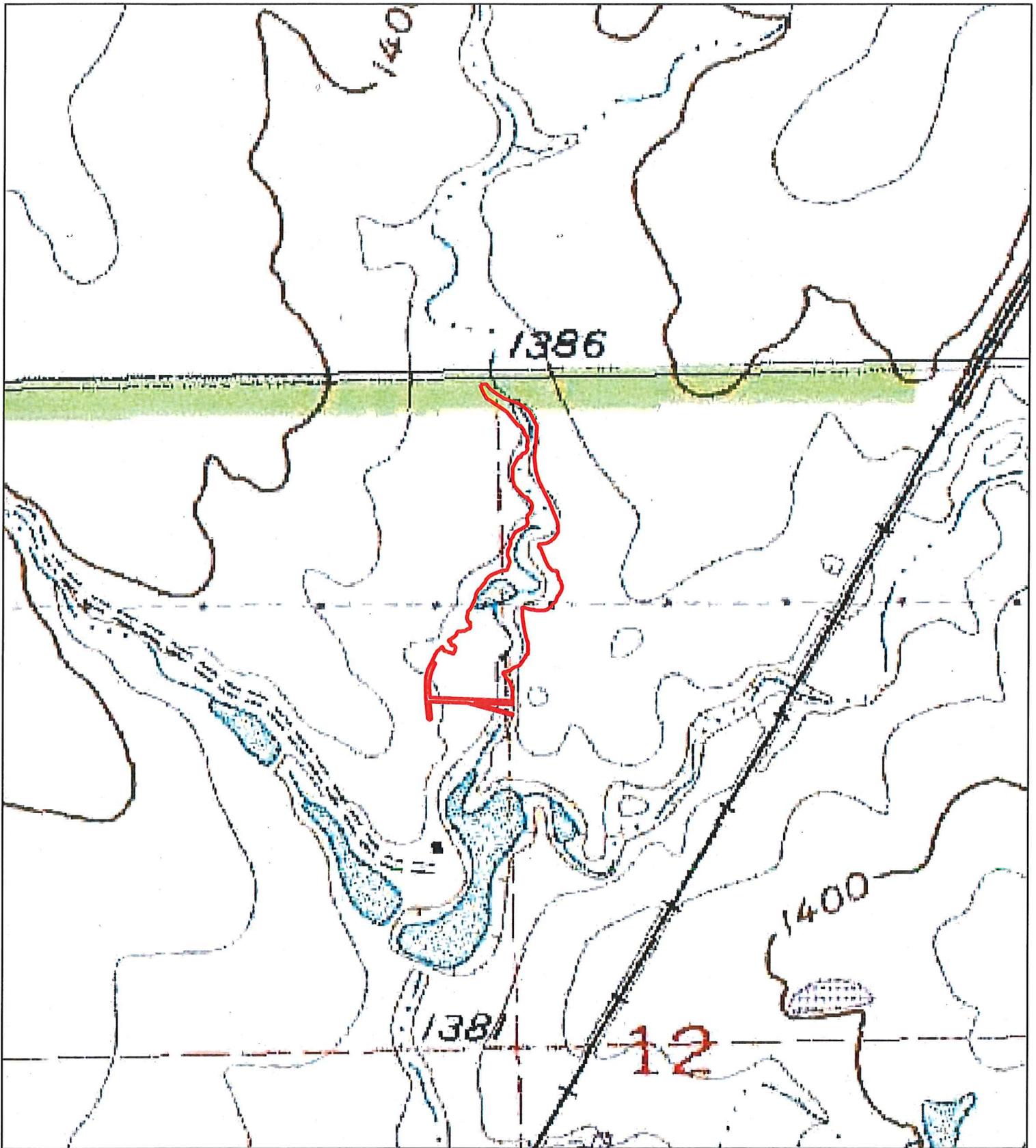
STATE BRIDGE DATA REVISED TO 1-22-2010

NON-SYS BRIDGE DATA REVISED TO 10-8-2008

KDOT makes no warranties, guarantees, or representations for accuracy of this information and assumes no liability for errors or omissions.

**COMPUTER
GENERATED**

APPLICATION NO. NWK-2016-286
BYRON ENIX
EARTHEN DAM
UNNAMED TRIBUTARY TO MIDDLE FORK CHISHOLM CREEK
SEDGWICK COUNTY, KANSAS
SHEET 1 OF 5
DATED 28 APRIL 2016



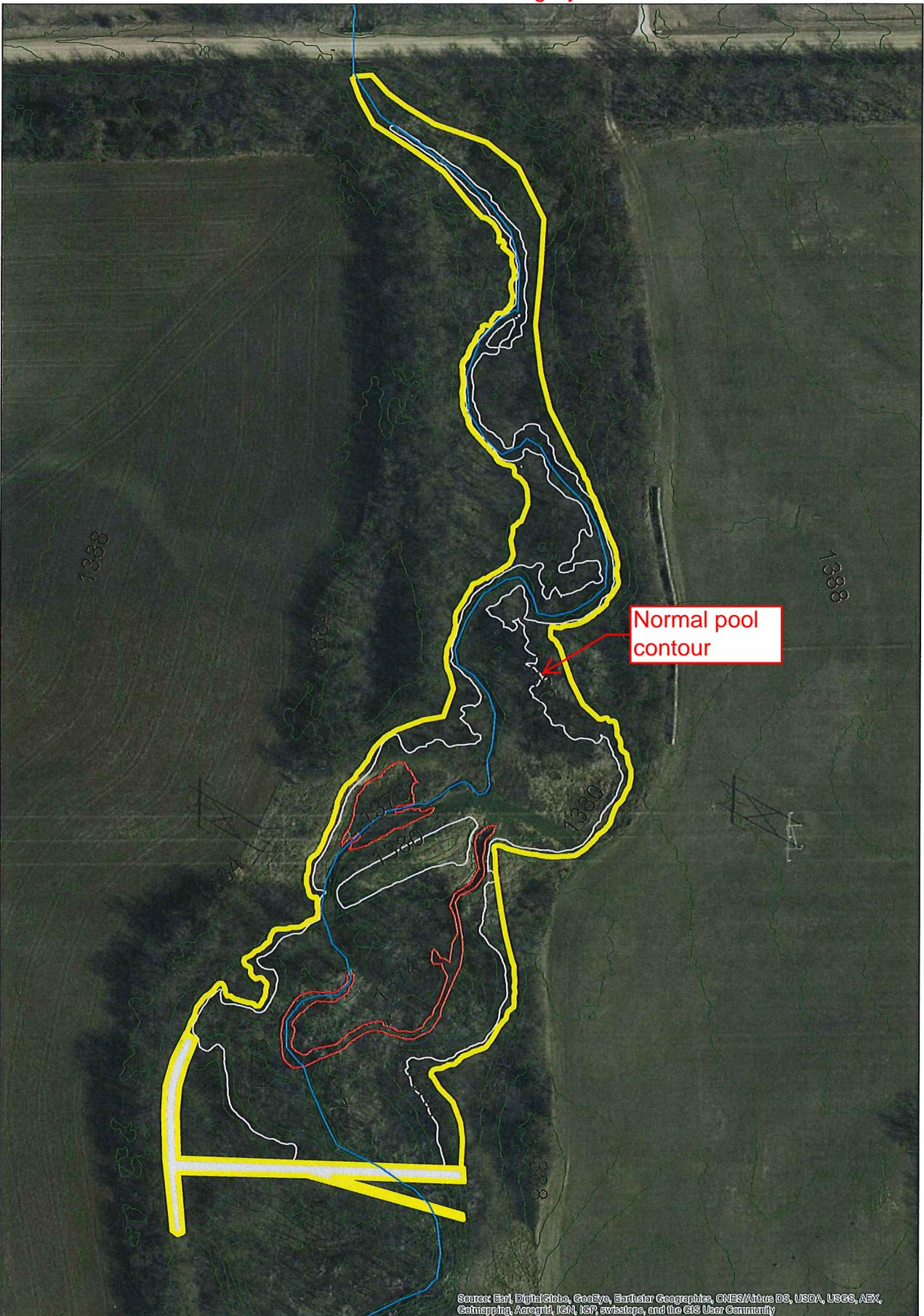
USGS 1:24K Topographic Map

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SHEET 2 OF 5
DATED 28 APRIL 2016

 Study Area

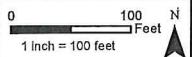
Source:
USGS 1:24K Topographic Map

Wetland Reconstruction with Imagery & Contours



Normal pool contour

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

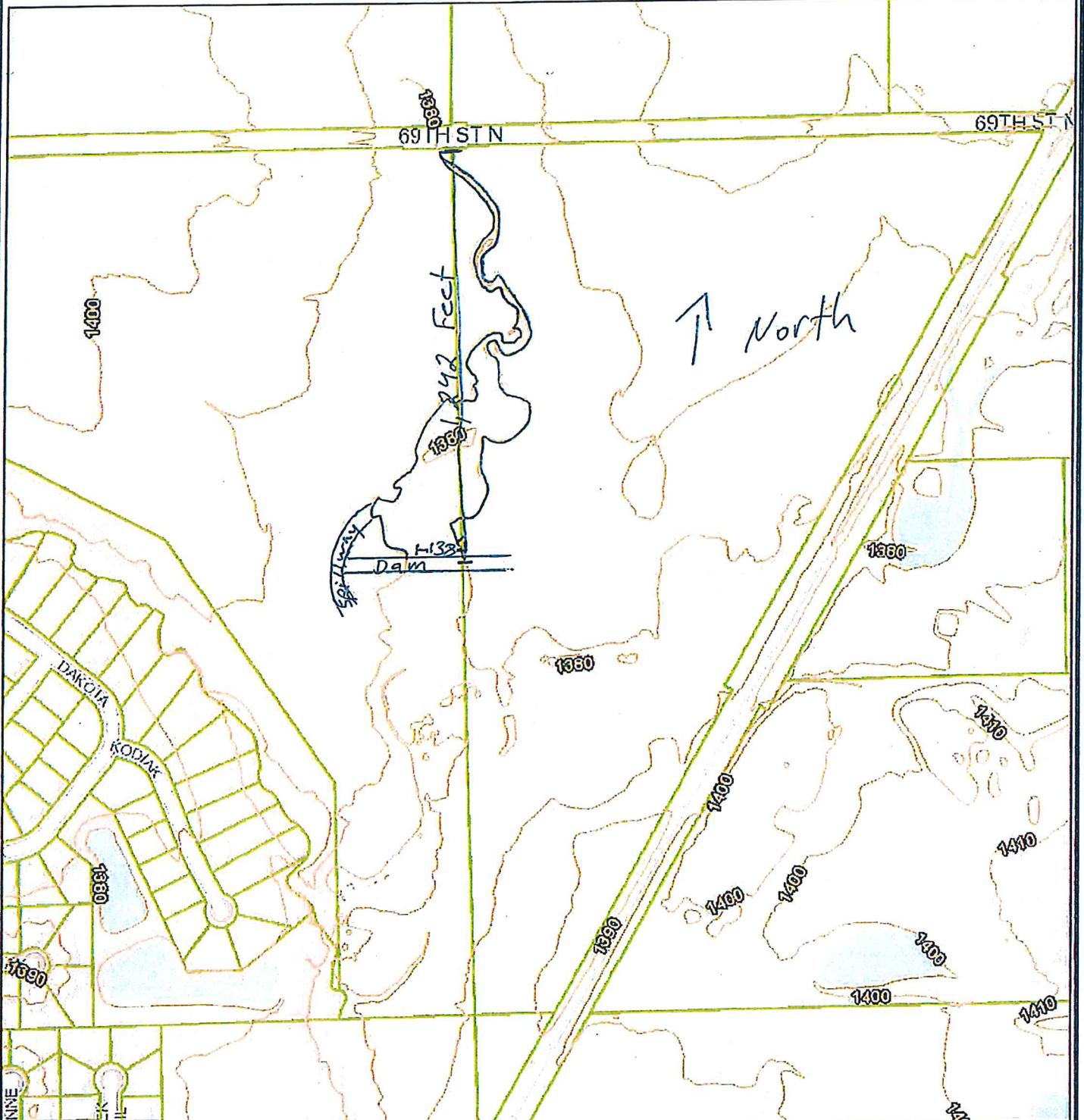


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UNNAMED TRIBUTARY TO MIDDLE FORK CHISHOLM CREEK
SEDGWICK COUNTY, KANSAS
SHEET 3 OF 5
DATED 28 APRIL 2016

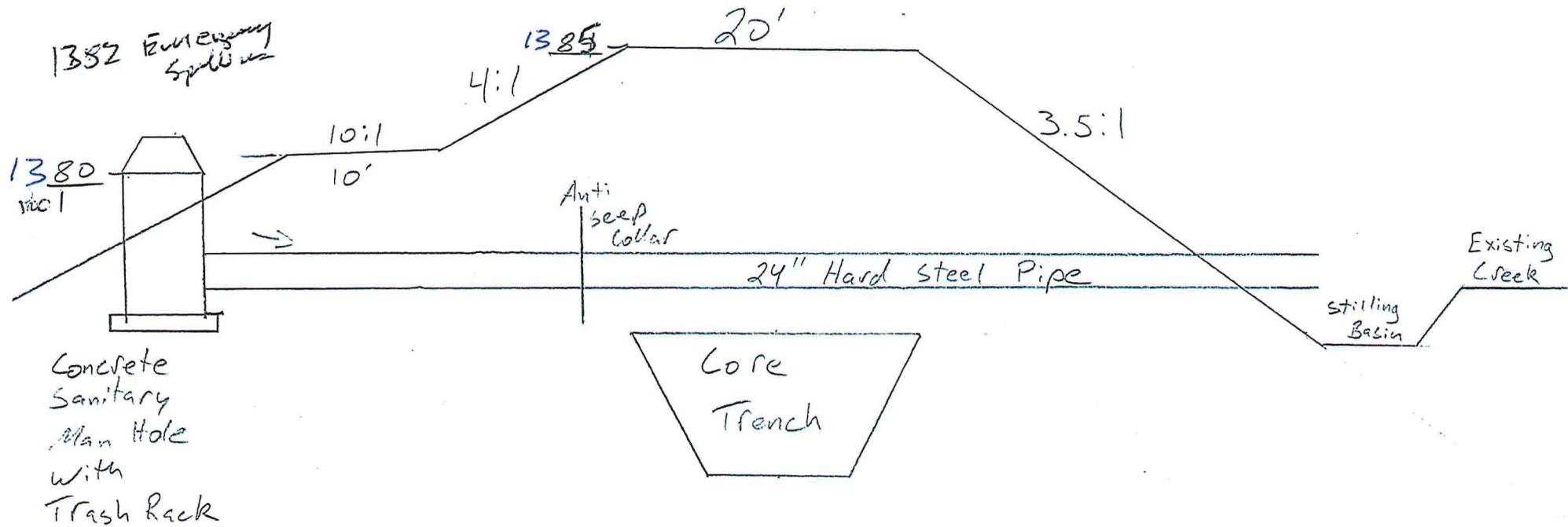
- Study Area
- Proposed Dam Structures
- 1380 Ft Normal Pool Contour
- 2 Feet Contours
- Stream
- Wetland & Open Water Boundary

Source: ESRI World Imagery

Contour	Size	Average Depth	Acre/Feet
1384 (Top of Dam)	9.9 Acres	10 Feet	99
1382	6.3 Acres	8 Feet	50.4
1381.50 (Emergency Spillway)	4.3 Acres	7.5 Feet	32.25
1380 (Pool Elevation)	3.65 Acres	6 Feet	29.2



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