

PUBLIC NOTICE



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

**Permit No. NWK-2016-00302
Issue Date: April 8, 2016
Expiration Date: April 29, 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.

CO-APPLICANT: City of Shawnee, Kansas
11110 Johnson Drive
Shawnee, Kansas 66203

CO-APPLICANT: Stag's Creek, LLC
7021 Johnson Drive
Mission, Kansas 66202

PROJECT LOCATION (As shown on the attached drawings): The project is located in two unnamed tributaries to Turkey Creek, in Township 12 South, Range 24 East, Section 11, City of Shawnee, Johnson County, Kansas.

USGS Quad: Shawnee, Kans.
[Latitude: 39.01677 – Longitude: -94.71311]

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

ACTIVITY (As shown on the attached drawings): **PROPOSED:** The applicant proposes to realign portions of two tributaries and armor both tributaries throughout the entire project area by constructing concrete-lined channels, in order to construct a new commercial development and reduce flooding in the area. Specifically, the project involves the following impacts to the streams identified on Sheet 2 of this notice: a total of 1,748 linear feet (LF) of impacts to the two tributaries consisting of 854 LF of widening an already-concrete-lined channel, a total of 210 LF of concrete-lining of existing channels, and 684 LF of fill of existing channels – which will be replaced by 771 LF of new, concrete-lined channels. As a result, there will be a net gain of 87 LF of channel, although the applicant proposes all channels will be concrete-lined.

The purpose of the project, as stated by the co-applicants, is a dual-purpose: to alleviate flooding of homes and public roads along 62nd Street and Roger Drive, as well as to construct a 30,000-40,000 square foot (SF) commercial development.

WETLANDS/AQUATIC HABITAT: The Corps has issued a preliminary jurisdictional determination in which two intermittent tributaries to Turkey Creek were identified, with a total of 1,748 LF. The tributaries flow to Turkey Creek and ultimately to the Kansas River. No wetlands were identified within the permit area.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Compensation for impacted tributaries will be completed through an in-lieu fee program or authorized mitigation bank.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Colin Smalley, PG, Regulatory Specialist, of the Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri 64106. Mr. Smalley may also be reached by phone at 816-389-3846, by fax at 816-389-2032, or by e-mail at colin.c.smalley@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. We have also consulted the Kansas Historical Society's online GIS database, and no recorded archaeological sites are shown in the project 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, with the exception of northern long-eared bat (NLEB) (*Myotis septentrionalis*). Notification of a determination that the project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule, will be submitted under separate cover to the U.S. Fish and Wildlife Service. 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.

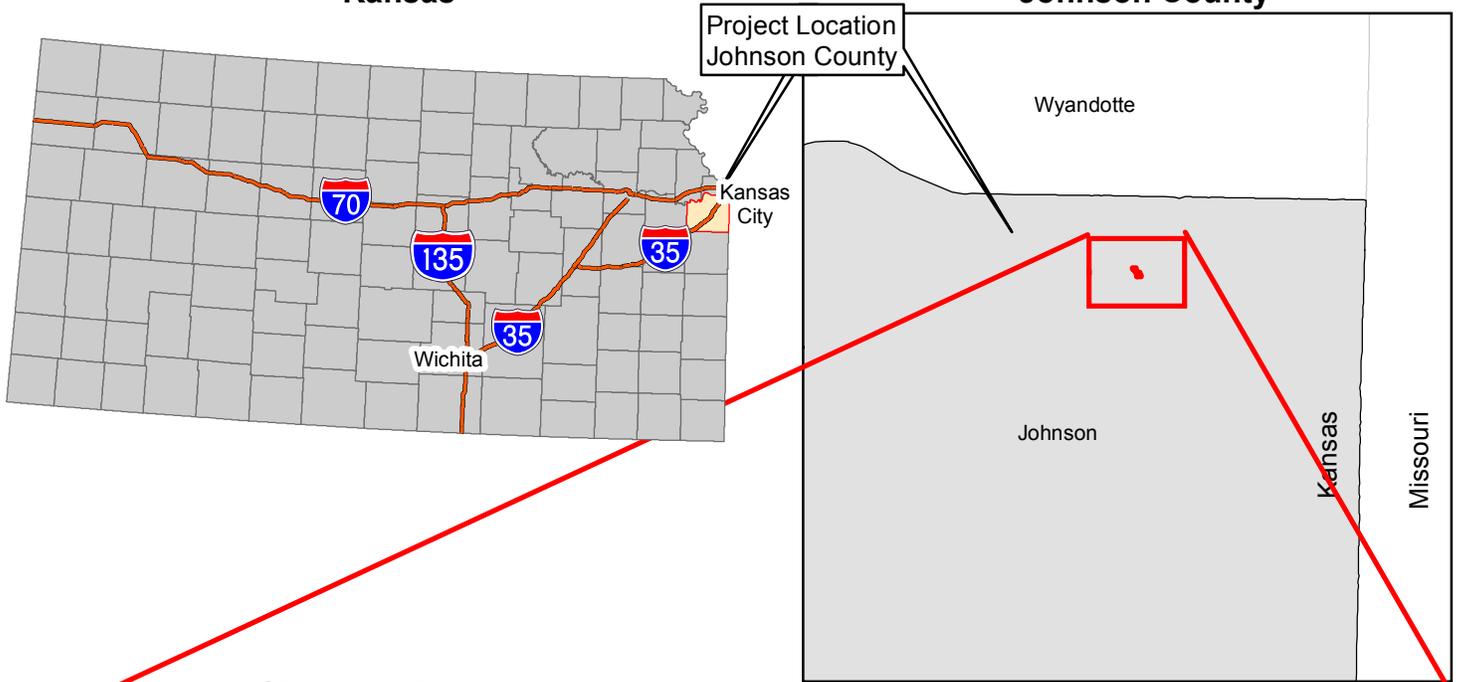
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The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

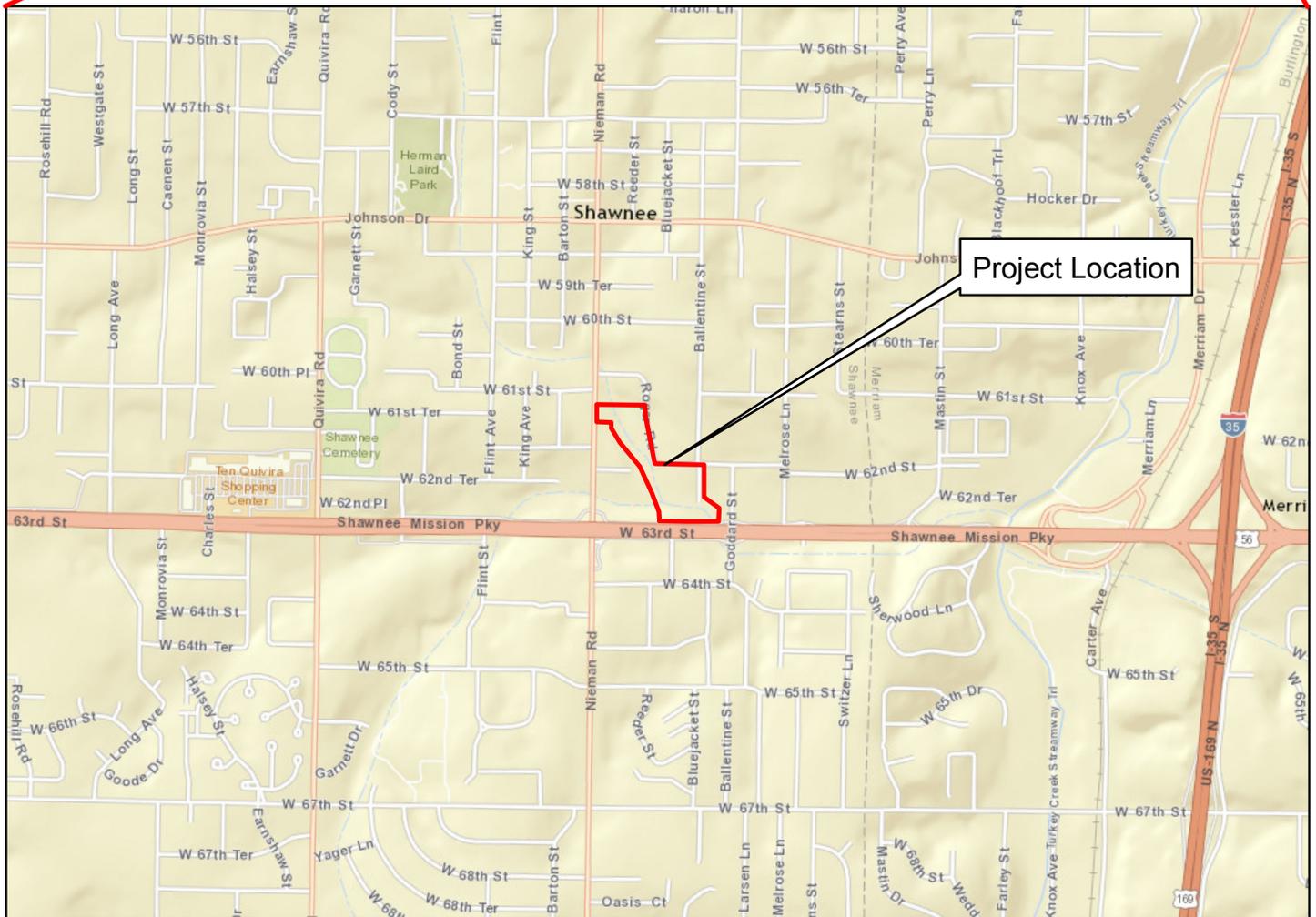
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

Kansas

Johnson County



Shawnee, Kansas



Project Location

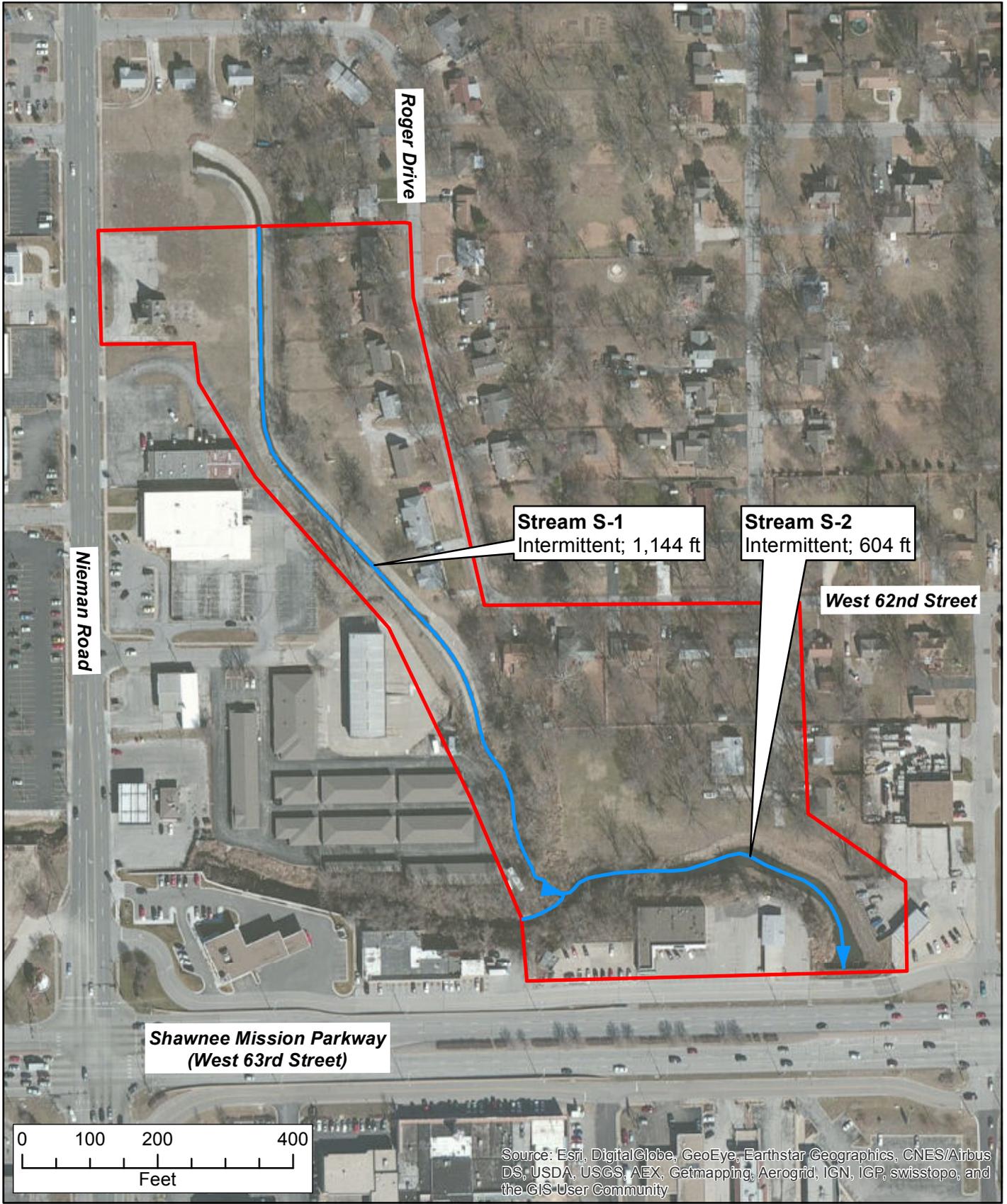


APPLICATION NO. NWK-2016-302
 CITY OF SHAWNEE/STAG'S CREEK, LLC
 STREAM CHANNEL REALIGNMENT
 TURKEY CREEK
 JOHNSON COUNTY, KANSAS
 SHEET 1 OF 4
 DATED 8 APRIL 2016

**Nieman Corridor South
 Shawnee, Kansas**

**Figure 1
 Site Location Map**

Date: 23-Mar-2016 | Drawn By: CCS | File: P:\OD-R_ORM-RAIMS-Corresp\NWK-2016\0302\GIS\2016-03-23_P_ID_Map_2016-00302.mxd



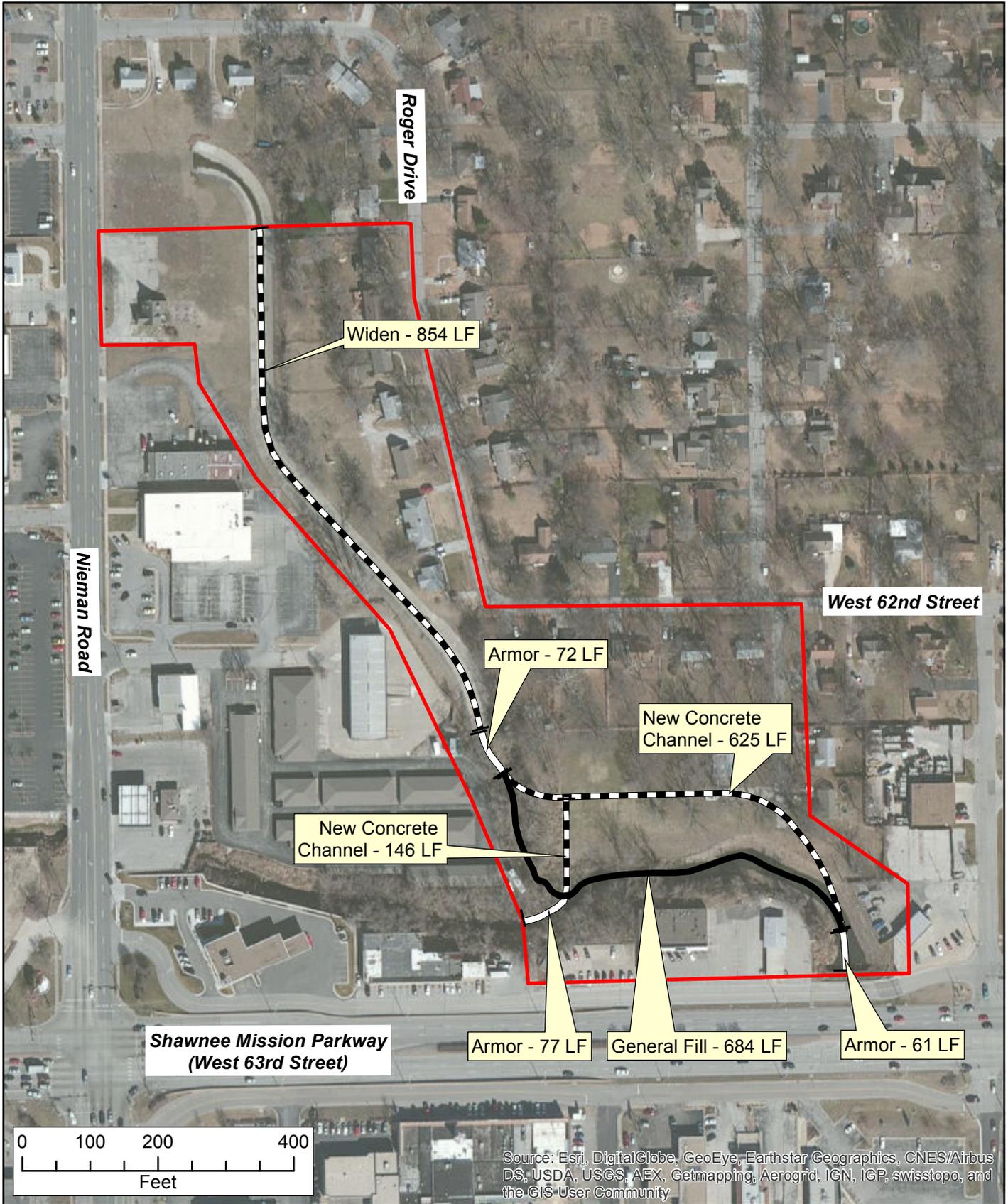
Preliminary Jurisdictional Determination
 Review Area Map
 NWK-2016-00302
 Flood Control/Fill Project
 City of Shawnee, Kansas
 T. 12 S., R. 24 E., S. 11, Johnson County, Kansas

APPLICATION NO. NWK-2016-302
 CITY OF SHAWNEE/STAG'S CREEK, LLC
 STREAM CHANNEL REALIGNMENT
 TURKEY CREEK
 JOHNSON COUNTY, KANSAS
 SHEET 2 OF 4
 DATED 8 APRIL 2016



U.S. Army Corps of Engineers
 Kansas City District

Date: 07-Apr-2016 | Drawn By: CCS | File: P:\ODR_ORM-RAMS-Corresp\NWK-201600302\GIS\2016-03-23_PN_Impacts_Map_2016-00302.mxd

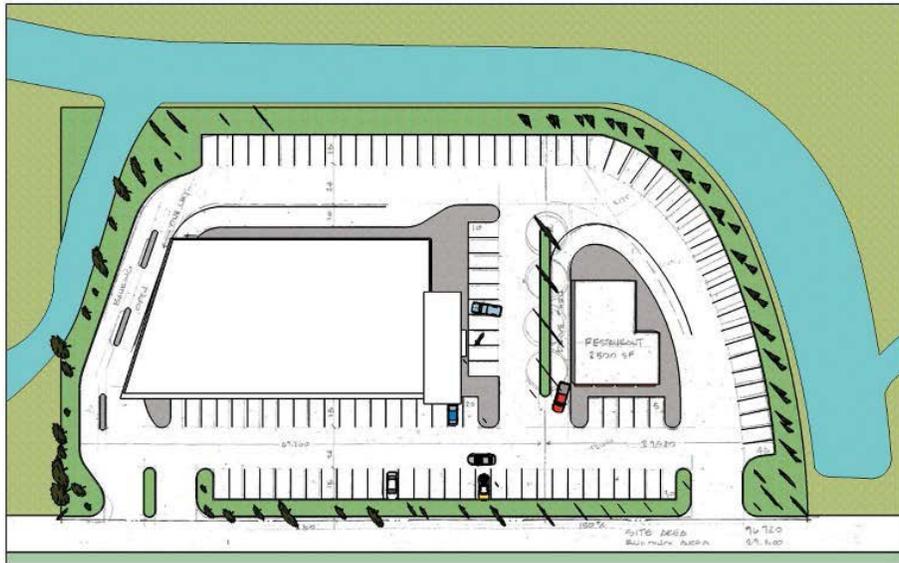


Public Notice
 Proposed Impacts Map
 NWK-2016-00302
 Flood Control/Commercial Development Project
 City of Shawnee, Kansas & Stag's Creek, LLC
 T. 12 S., R. 24 E., S. 11, Johnson County, Kansas

APPLICATION NO. NWK-2016-302
 CITY OF SHAWNEE/STAG'S CREEK, LLC
 STREAM CHANNEL REALIGNMENT
 TURKEY CREEK
 JOHNSON COUNTY, KANSAS
 SHEET 3 OF 4
 DATED 8 APRIL 2016



U.S. Army Corps of Engineers
 Kansas City District



APPLICATION NO. NWK-2016-302
 CITY OF SHAWNEE/STAG'S CREEK, LLC
 STREAM CHANNEL REALIGNMENT
 TURKEY CREEK
 JOHNSON COUNTY, KANSAS
 SHEET 4 OF 4
 DATED 8 APRIL 2016

Public Notice
 Proposed Commercial Development Plans
 NWK-2016-00302
 Flood Control/Commercial Development Project
 City of Shawnee, Kansas & Stag's Creek, LLC
 T. 12 S., R. 24 E., S. 11, Johnson County, Kansas