

PUBLIC NOTICE



US Army Corps

of Engineers

Kansas City District

Permit No. 2012-1340

Issue Date: November 6, 2012

Expiration Date: December 6, 2012

30-Day Notice

JOINT PUBLIC 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: Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

PROJECT LOCATION (As shown on the attached drawings): The project is located along the right descending bank of the Missouri River at approximately river mile 41.1 in St. Louis County near the city of Chesterfield, Missouri. The land adjacent the rootless dike is Johnson Island and is a part of the Big Muddy National Wildlife Refuge (NWR). The dike is rootless and oriented perpendicular to the riverbank. It is in Section 25 of Township 11 South, Range 8 East. A map of the project area is included in the Draft Environmental Assessment.

AUTHORITY: Missouri River Bank Stabilization and Navigation Project (BSNP) that was originally authorized in the Rivers and Harbors Act of 1912 and then subsequent authorizations in 1925, 1927, and 1945, and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): The U.S. Army Corps of Engineers - Kansas City District (USACE), propose to repair Dike 41.4 to original specifications and modify the dike by adding an addition 150 foot sill to correct a design deficiency that is causing shoaling in the main navigation channel. Dike 41.4 is one of many structures that are a part of the Missouri River BSNP. These series of dikes and revetments are designed to direct water into a self scouring 9 foot deep by 300 feet wide navigation channel. The purpose of this project is to repair and modify Dike 41.4 to direct water into the navigation channel to restore the self-scouring ability, thus preventing shoaling of the navigation channel during low flows.

Prior to the Missouri River flood of 2011, a large sandbar extended from the riverbank to the rootless Dike 41.4. That sand bar directed flow into the navigation channel and allowed the

navigation channel to self scour to maintain the needed depth. As a result of the 2011 flood, much of that sandbar was washed away and a channel formed landward of the dike. This allowed greater flow between the dike structure in the riverbank and resulted in shoaling within the navigation channel during low flow periods. This project is needed to restore the structure and modify it to divert water back into the navigation channel to prevent shoaling and maintain the navigations channels self scouring abilities.

Direct project related impacts to waters of the U.S. would result from placing clean rock fill landward from the existing rootless dike structure an additional 80 feet at construction reference plane (CRP) elevation, and another 150 feet landward at elevation CRP-2. Approximately 30,000 tons of rock fill would be used as fill. Project maps are included in the Draft Environmental Assessment.

WETLANDS/AQUATIC HABITAT: There were no wetlands identified within or adjacent to the project area. Approximately less than 0.5 acres of open water habitat would be directly impacted due to placement of clean rock fill. This will also divert flow into the main navigation channel and allow it to maintain its self-scouring design. This will indirectly provide for a benefit to shallow water/sandbar habitat by slowing water immediately upstream and downstream of the dike to allow for sedimentation to occur and sandbar formation to occur. A DRAFT Section 404 (b)(1) Evaluation (40 CFR 230) has been prepared (See Appendix IV in Draft Environmental Assessment).

STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Impacts would be minimized by maintaining an un-diked area between the rootless dike and the bank which will allow for a mixture of flow velocities and depths. Unavoidable impacts of the project will be off-set by the total net benefit of the project from the shallow water/sandbar habitat creation.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps has prepared a Draft Environmental Assessment (EA) for the project; this draft document may be requested as described below under “Additional Information” and is available for review at the Corps of Engineers office and online at the Corps’ web page at: <http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>. The Corps will utilize comments received in response to this Public Notice and the Draft EA to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations, including this review for project compliance with the requirements of Section 404 of the Clean Water Act. The Corps has made a preliminary determination that the project as proposed would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines (Appendix IV of Draft Environmental Assessment).

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Curtis Hoagland, (816) 389-3401 or

curtis.r.hoagland@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: The proposed project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665) including a check of the National Register of Historic Places and supplements thereto. No sites were identified within the project area. The results of the research were coordinated by letter with State Historic Preservation Officer (SHPO). In that letter, the Corps requested concurrence that any proposed work in the project area would have no effect on historical properties and that any work could proceed without any further coordination, unless in the unlikely event that archeological materials were discovered during construction. SHPO concurred with this recommendation.

ENDANGERED SPECIES: The endangered pallid sturgeon is known to occur in the lower Missouri River. After coordination with the U.S. Fish and Wildlife Service, a preliminary determination has been made that the described work may affect, but not likely to adversely affect the pallid sturgeon or any species designated as threatened or endangered, or adversely affect critical habitat.

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 Department of the Army authorization 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 authorization 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, aesthetics, 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 an authorization for this proposal. To make this decision, comments are used to address impacts on endangered species, historic properties, water quality, general environmental effects, and 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 an authorization 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 authorization. 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 1 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.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

<http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>