

# PUBLIC NOTICE



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

**Permit No. 2011-1602  
Issue Date: March 30, 2012  
Expiration Date: April 29, 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:** U.S. Army Corps of Engineers – Kansas City District  
700 Federal Building  
601 E. 12<sup>th</sup> St.  
Kansas City, Missouri 64106-2896

**PROJECT LOCATION** (As shown on the attached drawings): The proposed project is located on the Jameson Island Unit of the U.S. Fish and Wildlife Service, Big Muddy National Fish and Wildlife Refuge, in and along the right overbank of the Missouri River, between river mile 211.7 and 210.5, in Sections 30 and 31, Township 50 North, Range 18 West, near the town of Arrow Rock, Saline County, Missouri. Howard County, Missouri is located on the opposite river bank with the nearest town being Petersburg, Missouri. Longitude/Latitude: 39°04'23.50" North, 92°55'45.75" West

**AUTHORITY:** The project is part of the Missouri River Recovery Program (MRRP) which is authorized under the Water Resources Development Act of 2007. A component of the MRRP which addresses fish and wildlife habitat mitigation, including shallow water habitat (SWH), is the Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project (Mitigation Project) which is authorized in the Water Resources Development Acts of 1986 and 1999 (Public Law 99-662). This activity is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (33 USC 1344).

**ACTIVITY** (As shown on the attached drawings): **PROPOSED WORK:** As part of efforts to mitigate fish and wildlife habitat losses associated with the Corps' Missouri River Bank Stabilization and Navigation Project and in order to meet shallow water

habitat (SWH) goals contained in the U.S. Fish and Wildlife Service's (USFWS) 2003 Amendment to the 2000 Biological Opinion (Bi-Op) on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas River Reservoir System, the Corps proposes to restore SWH on the U.S. Fish and Wildlife Service, Big Muddy National Fish and Wildlife Refuge, Jameson Island Unit by constructing a chute of approximately 6,000 linear-feet, approximately 100-feet-wide, excavated to a depth of -5 foot from the Construction Reference Plain. Heavy construction equipment would be used for initial clearing/grubbing and a hydraulic dredge would then be used to excavate a 100' wide channel. Dredged material would be mixed with the existing Missouri River water and sediment load. The existing chute would be extended approximately 6,000 linear-feet to the west where another outlet to the Missouri River would be constructed. The existing chute outlet would be diverted with a closure structure constructed with clean rock riprap to +5 CRP. The area between the diversion and the river would serve as backwater habitat. The chute alignment would be cleared using heavy construction equipment with woody vegetation and 3-4 feet of earthen material stockpiled on the outer limits of the cleared zone. Earthen material would be excavated using a hydraulic dredge. Approximately 420,000 cubic yards of dredged earthen material would be pumped as slurry mixture of water and sediment and placed into the Missouri River in a location and manner that it would be integrated into the existing bedload. Through time and dependant on river levels the chute would be expected to widen and deepen and approximately 547,000 cubic yards of additional earthen material and an undetermined amount of woody debris would be integrated through natural river processes into the Missouri River bedload. This process would continue until a balance of flow and chute width is reached as limited by flow control structures, and flow of sediment in versus out would be approximately balanced. Woody debris entering the river as the channel widened and meandered would provide additional fish and wildlife habitat. In addition, during high flows, river levels would be expected to overtop the channel block and flush accumulated sediment from the backwater area. This would result in approximately 16.77 acres of SWH (13.77-acre chute and 3-acre backwater) at completion of construction which would eventually be expected to develop through natural river processes to approximately 30 acres of SWH (27-acre chute and 3 acre backwater).

**WETLANDS/AQUATIC HABITAT:** The proposed project would require the clearing of approximately 34.4 acres of riparian timber. Based on National Wetlands Inventory maps this area includes a total of 5.0 acres of wetlands (2.25 freshwater emergent marsh, 1.84 acre freshwater forested/shrub wetland, 0.89 freshwater pond) that would be impacted at completion of construction. At full chute development that area would be expected to extend to a total of 8.9 acres of wetland (3.74 acres freshwater emergent marsh, 3.45 acres freshwater forested/shrub wetland, 1.75 acres freshwater pond). The extent of these areas was verified as part of a preliminary jurisdictional determination through a review of NWI maps, soil surveys, topographic maps, aerial photographs and field survey of the proposed alignment. Approximately 27 acres of the 34.4 acre cleared area would be developed into SWH. In addition, earthen material excavated during chute construction would be placed into the Missouri River in a location and manner that it would be integrated into the Missouri River bedload and not expected to permanently

change the bed contour or convert an area to a non-aquatic site. Construction would restore the natural process of erosion, cutting, filling and meandering along the length of the chute. The proposed project would result in minor long term adverse impacts to wetlands and in minor temporary adverse construction related impacts to vegetation, wetlands, recreation and fish and wildlife resources. These impacts would occur in the immediate project area and areas immediately adjacent. These minor long term and minor temporary adverse construction related impacts would be greatly outweighed by the long term beneficial effects to the aquatic ecosystem resulting from the proposed SWH restoration project.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The proposed project has been designed to incorporate all practicable measures to minimize and/or avoid adverse impacts to aquatic resources. As a critical component of the Corps efforts to implement the Missouri River Bank Stabilization and Navigation Project Fish and Wildlife Mitigation Project and to comply with the U.S. Fish and Wildlife Service's (USFWS) 2003 Amendment to the 2000 Biological Opinion (Bi-Op) on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas River Reservoir System, the overall project goal is to mitigate project impacts to fish and wildlife habitat by restoring SWH for the benefit of the Missouri River aquatic ecosystem, including the Federally-listed endangered pallid sturgeon. As such, the Corps has made a preliminary determination that no compensatory mitigation measures are warranted or proposed.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Mr. David R. Hoover, Biologist, U.S Army Corps of Engineers, Kansas City District, ATTN: Environmental Resources Section, Planning Branch, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106, by email at [david.r.hoover@usace.army.mil](mailto:david.r.hoover@usace.army.mil), or by telephone at (816)389-3497. All comments to this public notice should be directed to the above address.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended:** The Corps prepared a *Feasibility Report and Environmental Impact Statement* in 1981 on the original Mitigation Project of 48,100 acres. After Congress modified the Mitigation Project by WRDA99, the Corps initiated a *Supplemental Environmental Impact Statement* (SEIS) in September 2001 for the additional 118,650 acres and including 7,000 to 20,000 acres of SWH. The SEIS was completed in early 2003 and the *Record of Decision* (ROD) was signed in June 2003. The Corps has prepared a DRAFT Project Implementation Report with Integrated Environmental Assessment and Section 404(b)(1) Evaluation. The Recommended Alternative described in this PIR includes site specific measures that would be used to implement the Selected Alternative described in the Corps' 1981 *Feasibility Report and Environmental Impact Statement* in

1981 on the original Mitigation Project and the 2003 *Supplemental Environmental Impact Statement* (2003 SEIS) on the Mitigation Project as modified by WRDA99. This document is available online at:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>

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 will utilize comments received in response to this Public Notice 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 proposed project would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines. The DRAFT Section 404(b)(1) Evaluation is included in the Project Implementation Report with Integrated Environmental Assessment and Section 404(b)(1) Evaluation.

**CULTURAL RESOURCES:** The proposed project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665). Background research that consisted of a review of the National Register of Historic Places (NRHP), a site records search, and a review of historic channel and shipwreck maps was conducted for the project. No historic properties listed in the NRHP were identified in the immediate project area. A search of records with the Missouri State Historic Preservation Officer (SHPO) identified no previously recorded archeological sites or historic structures in the immediate project area. A number of shipwrecks including the Sam Gaty (1867), the New Sam Gaty (1868), Plow Boy No.2 (1877), Tom Rodgers (1887), and Benton No.2 (1895) are mapped in close proximity to the proposed project area. An accreted land study conducted by the Corps found that most of the project area consists of accreted land, with most of the accretion occurring since 1879. The proposed project alignment was developed to avoid mapped areas of non-accreted land and mapped shipwreck locations. Because the project area consists of recently accreted land and no archeological sites, historic structures, or shipwrecks have been recorded in the project area, it is unlikely that the project would impact historic properties or sites that may be eligible for inclusion on the NRHP. Therefore, we have determined that an archeological survey of the project area is not warranted.

The Arrow Rock National Historic Landmark, listed on the National Register of Historic Places is located just west of the project area. In order to avoid impacts to the NHL the Corps has committed to move heavy construction equipment to and from the site by floating plant.

The Corps provided the SHPO with a determination of no historic properties affected by the proposed project and in a response email dated 21 March 2012 the SHPO provided concurrence with the Corps' determination that there would be "no historic properties

affected” by the proposed project. In addition, the Corps will take into consideration any information from affiliated Native American tribes or the public on any sites or traditional cultural properties that may be of concern.

**ENDANGERED SPECIES:** A primary goal of the proposed project is to meet SWH targets contained in the U.S. Fish and Wildlife Service’s (USFWS) 2003 Amendment to the 2000 Biological Opinion (Bi-Op) on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas River Reservoir System.

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. 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.

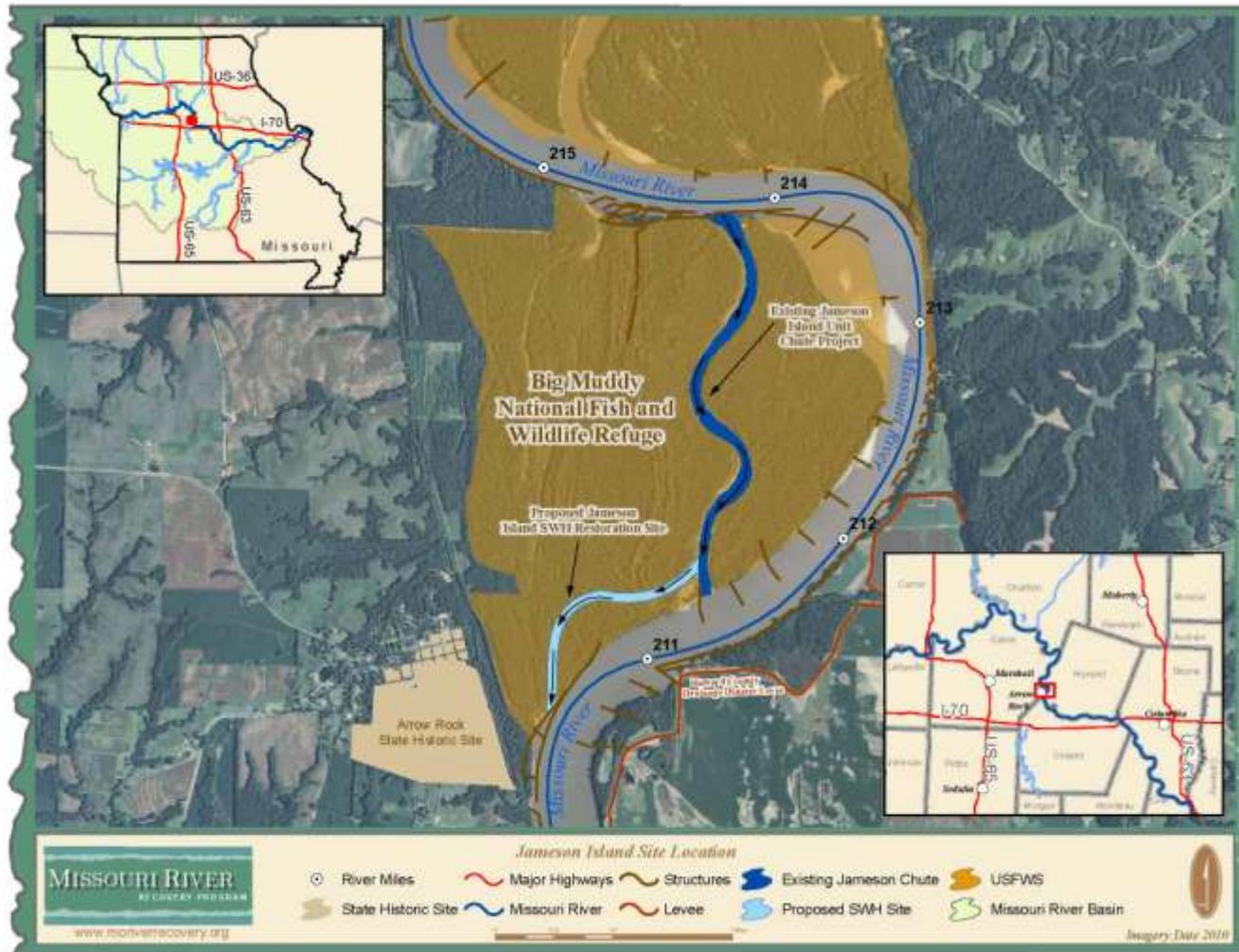
**COMMENTS:** This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections 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 and include ATTN: PM-PR (Hoover).

**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.

**PUBLIC MEETING:** The Corps has scheduled an open forum Public Information Meeting on the Jameson Island Unit SWH Restoration Project for 6:00 – 8:00 p.m. on Tuesday, April 17, 2012 at the Arrow Rock State Historic Site Visitor Center. This meeting will provide an opportunity for interested stakeholders to receive additional information on the project and provide input for use in completion of the FINAL Project Implementation Report.

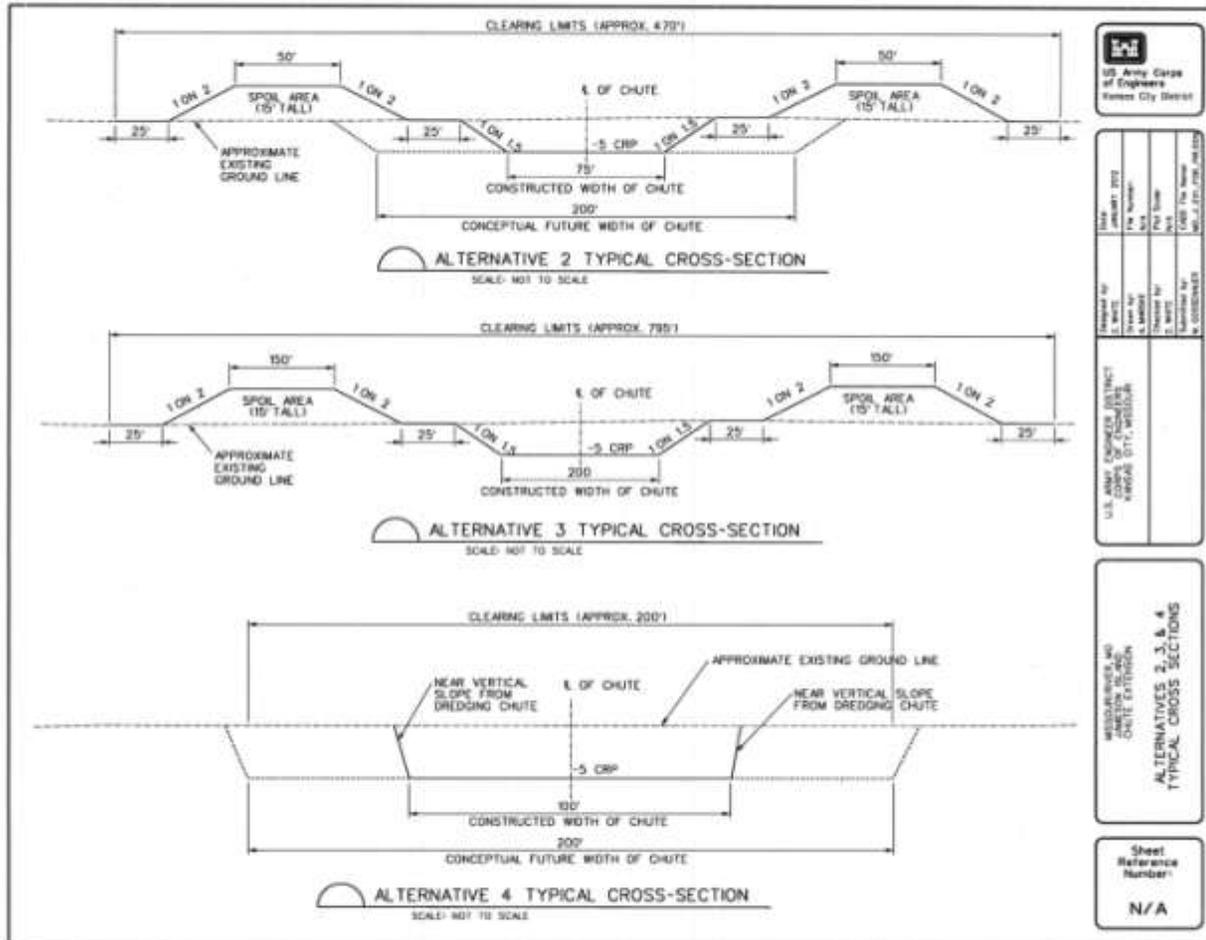
**NOTE:** This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>



**PROJECT LOCATION**  
 Jameson Island Unit, USFWS Big Muddy National  
 Fish & Wildlife Refuge, Missouri River, RDB,  
 mile 211.7-210.5, Sections 30 & 31, Township 50 North,  
 Range 18 West, near the Town of Arrow Rock,  
 Saline County, Missouri

APPLICATION NO. 2011-1602  
 U.S. Army Corps of Engineers  
 -Kansas City District  
 Shallow Water Habitat Restoration  
 Missouri River and Adjacent Wetlands  
 Saline County, MO  
 SHEET 1 of 3  
 Dated 30 March 2012



U.S. Army Corps of Engineers  
Kansas City District

Prepared by	J. WELLS
Checked by	D. WELLS
Approved by	N/A
Submitted by	N/A
Submitted for	N/A
W. G. GORDON	

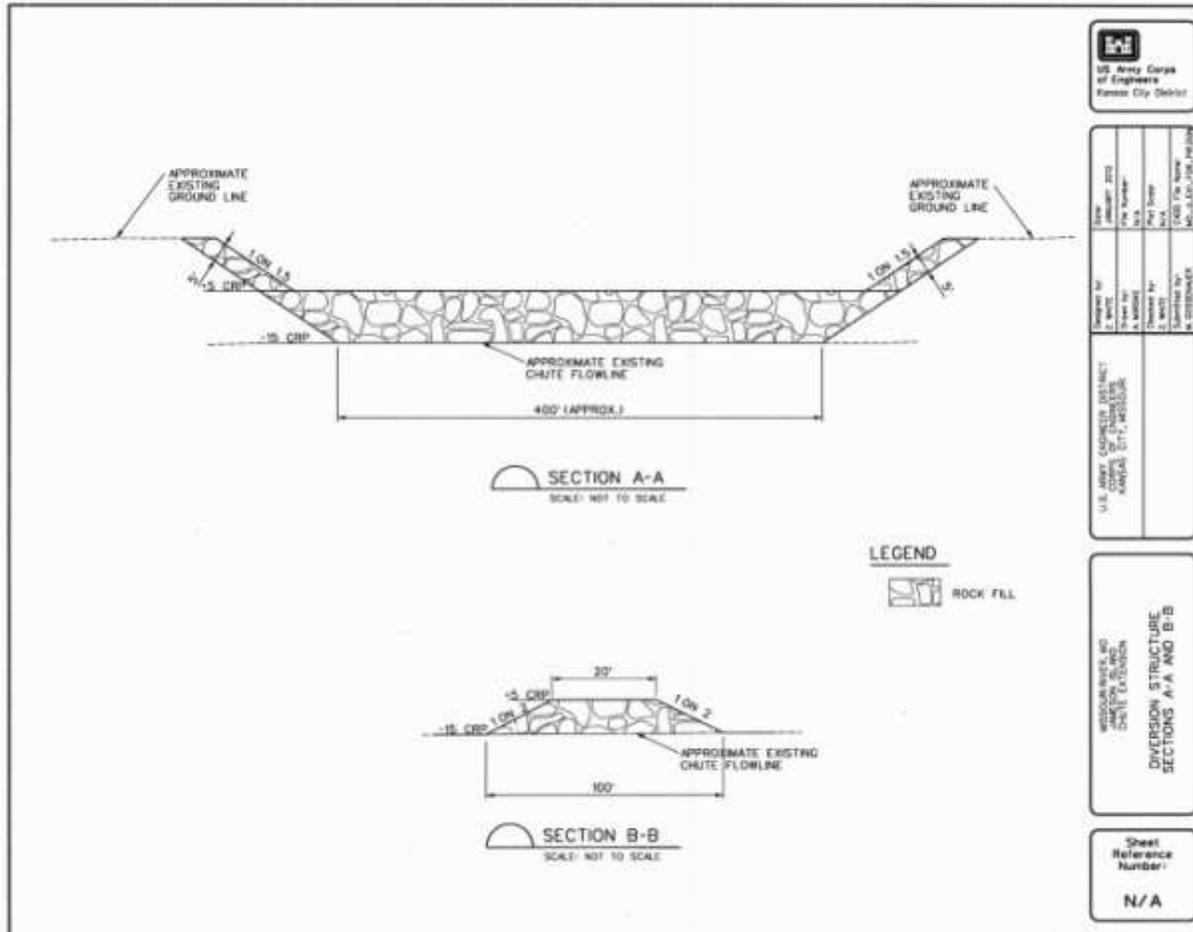
U.S. ARMY ENGINEER DISTRICT  
KANSAS CITY DISTRICT  
KANSAS CITY, MISSOURI

MISSOURI RIVER AND ADJACENT WETLANDS CHUTE EXTENSION  
ALTERNATIVES 2, 3, & 4  
TYPICAL CROSS SECTIONS

Sheet Reference Number:  
N/A

ALTERNATIVE 4 - PROPOSED CHUTE X-SECTION

APPLICATION NO. 2011-1602  
U.S. Army Corps of Engineers  
-Kansas City District  
Shallow Water Habitat Restoration  
Missouri River and Adjacent Wetlands  
Saline County, MO  
SHEET 2 of 3  
Dated 30 March 2012



PROPOSED DIVERSION STRUCTURE

APPLICATION NO. 2011-1602  
 U.S. Army Corps of Engineers  
 -Kansas City District  
 Shallow Water Habitat Restoration  
 Missouri River and Adjacent Wetlands  
 Saline County, MO  
 SHEET 3 of 3  
 Dated 30 March 2012