

# PUBLIC NOTICE



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

**Permit No. 200101697  
Issue Date: August 16, 2002  
Expiration Date: September 15, 2002**

**30-Day Notice**

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**JOINT PUBLIC 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:** Kansas Department of Transportation  
Docking State Office Building  
915 SW Harrison, 9th Floor  
Topeka, KS 66612-1568

**PROJECT LOCATION** (As shown on the attached drawings): The project would be located in drainages and tributaries to the Wakarusa River, and in open water and wetlands, in Section 13, Township 13 south, Range 19 east, and Sections 10, 11, 16, 17 and 18, Township 13 south, Range 20 east, in and near the city of Lawrence, Douglas County, Kansas

**AUTHORITY:** Section 404 of the Clean Water Act (33 U.S.C. 1344).

**ACTIVITY** (As shown on the attached drawings): (Proposed Work) The Kansas Department of Transportation (KDOT) proposes to relocate an approximately 7-mile-long section of Kansas Highway 10 to bypass the city of Lawrence, Kansas. The section of highway to be relocated is currently routed through the city on 23<sup>rd</sup> Street and US-59 Highway (Iowa Street). The new section of highway would be a 4-lane road that would be relocated along the southern edge of the city immediately south of 31<sup>st</sup> Street. The relocated highway would begin at the intersection of K-10 Highway and US-59 Highway (Iowa Street) in southwest Lawrence and would extend to K-10 Highway near Noria Road on the eastern edge of the city.

The work would consist of grading, construction of several bridges and culverts, placement of paving and other related work to complete construction of the 4-lane road. The work would result in the loss of an estimated 55.4 acres of wetlands, impacts to 2,800 linear feet of stream channel and loss of 100 linear feet of stream channel.

The U.S. Army Corps of Engineers, Kansas City District (KCD) has prepared a Draft Environmental Impact Statement (EIS) to address KDOT's proposal to reroute K-10 Highway to bypass Lawrence. The Draft EIS titled, "DRAFT – ENVIRONMENTAL IMPACT STATEMENT - SECTION 404 PERMIT APPLICATION – by - Kansas Department of Transportation – K-10 Highway (South Lawrence Trafficway)" is available for review at local libraries,

in KCD's Kansas City Missouri office, at KDOT's Topeka, Kansas office or at KDOT's consultant HNTB Corporation in Kansas City, Missouri. A compact disk copy of the document is also available upon request by contacting Mr. Robert J. Smith at KCD, by writing to the address shown above or by calling (816) 983-3656, FAX (816) 426-2321 or by E-mail at [robert.j.smith@nwk02.usace.army.mil](mailto:robert.j.smith@nwk02.usace.army.mil). A summary of the Draft EIS can be reviewed at [www.southlawrencetrafficway.org](http://www.southlawrencetrafficway.org). A copy (compact disk) of the Draft document can also be requested at [www.southlawrencetrafficway.org](http://www.southlawrencetrafficway.org).

A public hearing will be held on September 12, 2002, to provide the public with an opportunity to present comments to KCD concerning KDOT's proposal. The public hearing will provide an opportunity for the public to comment on KCD's Draft EIS and on KDOT's requested Section 404 permit. The public hearing will be held in Lawrence, Kansas, at the Douglas County Fairgrounds, at 6:30 PM, in Building 21, at 2110 Harper Street.

**WETLANDS:** The proposed work would directly impact 8 wetland areas, including Baker Wetlands, and would result in an estimated loss of 55.4 acres of wetlands. The Kansas Department of Transportation proposes to mitigation for project related impacts by constructing 317 acres of wetlands immediately adjacent to Baker Wetlands. Additional mitigation includes habitat enhancement and construction of a 10,000 square foot cultural and wetlands study area.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Robert J. Smith, U.S. Army Corps of Engineers, Regulatory Branch, 700 Federal Building, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106-2896 at telephone 816-983-3656 (FAX 816-426-2321) or via email at [robert.j.smith@nwk02.usace.army.mil](mailto:robert.j.smith@nwk02.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:** The property known as Baker Wetlands and the adjacent Haskell Indian Nations University (HINU) are both located on the site of the former Haskell Institute, an early Indian boarding school. The Kansas City District has determined that the properties are eligible for listing on the National Register of Historic Places as a Historic District due to the presence of important historic features that relate to the former Haskell Institute. The Kansas State Historic Preservation Officer has concurred with KCD's determination. The Haskell Indian Nations University campus also contains 11 buildings and a cemetery that were previously designated as a group of discontiguous structures which form a National Historic Landmark.

The Kansas City District has determined that the proposed work would have an adverse effect on the property determined to be eligible for listing as a Historic District. The Kansas City District has also determined that the proposed work has a potential to have an indirect adverse effect on the National Historic Landmark located on the HINU campus. Potential indirect effects to the National Historic Landmark include noise and visual disturbance related to the proposed road.

A final assessment of potential impacts and any necessary treatments or mitigation is being coordinated with KDOT and the SHPO.

**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.

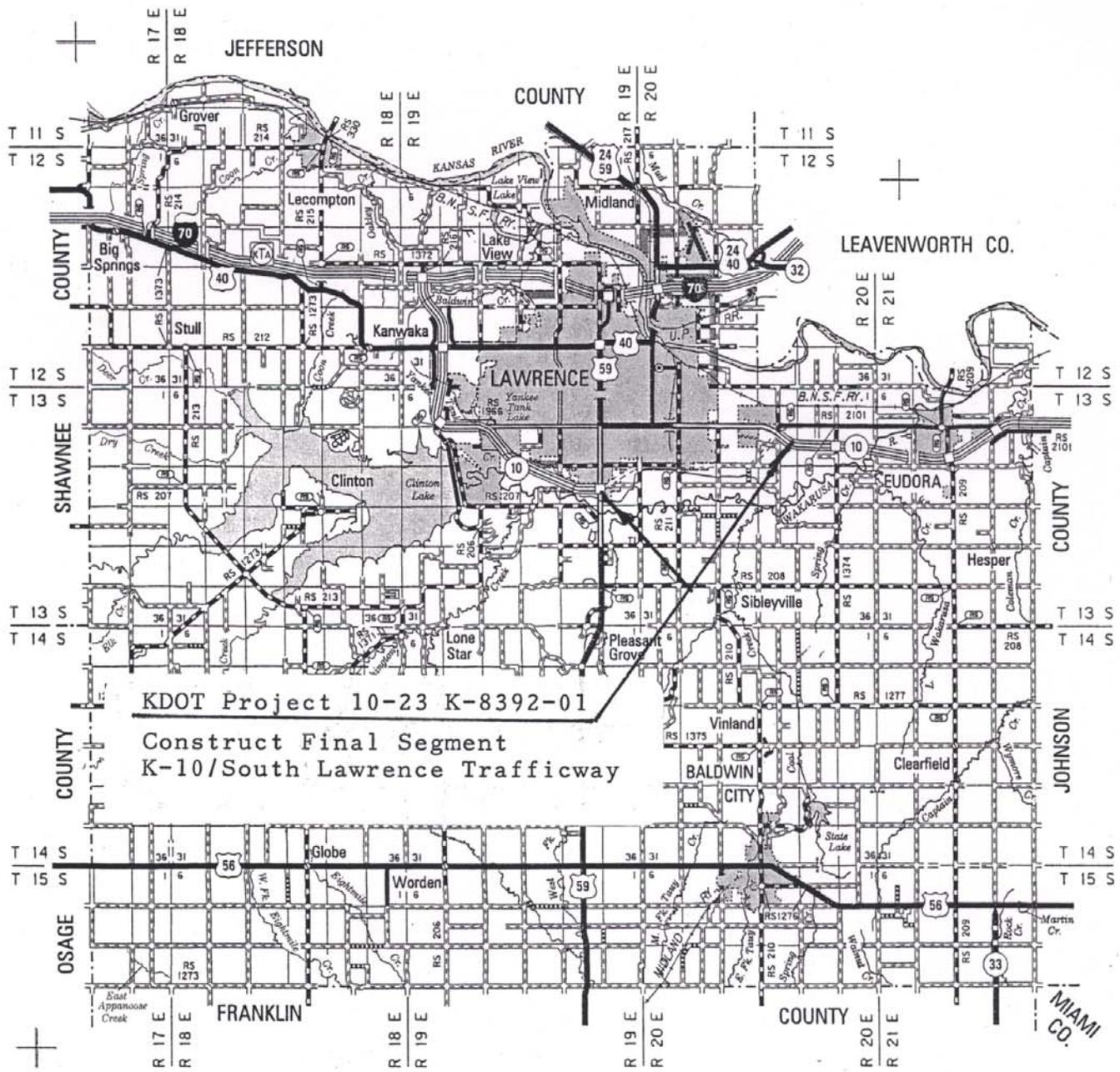
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies 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:** A public hearing will be held on September 12, 2002, to provide the public with an opportunity to present comments to KCD concerning KDOT's proposal. The public hearing will provide an opportunity for the public to comment on KCD's Draft EIS and on KDOT's requested Section 404 permit. The public hearing will be held in Lawrence, Kansas, at the Douglas County Fairgrounds, at 6:30 PM, in Building 21, at 2110 Harper Street.



**KDOT Project 10-23 K-8392-01**  
**Construct Final Segment**  
**K-10/South Lawrence Trafficway**

**LEGEND**

**APPLICATION NO. 200101697**  
**BY: KANSAS DEPARTMENT OF TRANSPORTATION**  
**KDOT PROJECT 10-23 K-8392-01**  
**K-10/SOUTH LAWRENCE TRAFFICWAY**  
**WAKARUSA RIVER DRAINAGE**  
**DOUGLAS COUNTY**  
**August 16, 2002**  
**SHEET 1 of 5**

**GENERAL HIGHWAY MAP**  
**DOUGLAS 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**



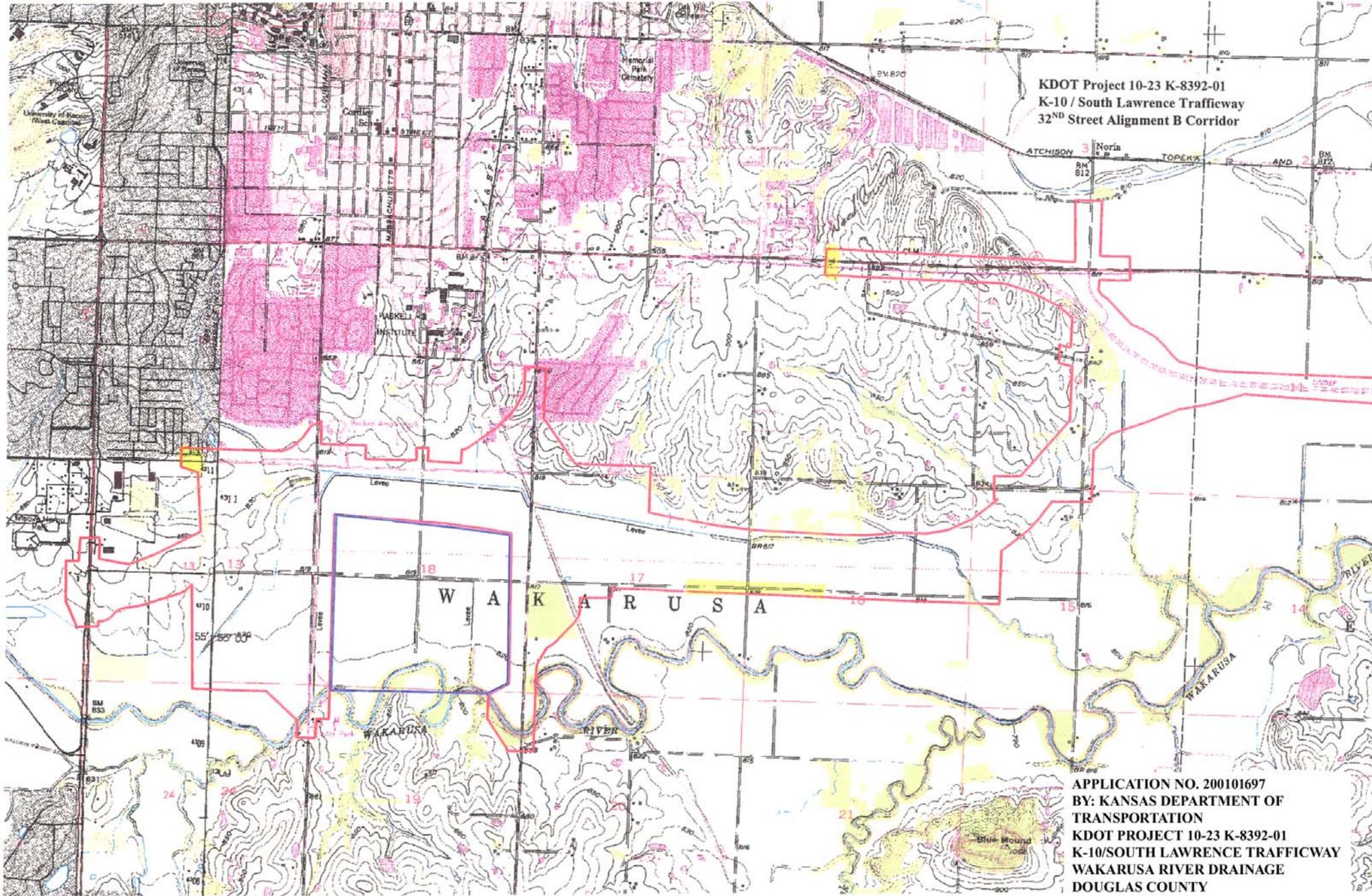
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KDOT Project 10-23 K-8392-01  
K-10 / South Lawrence Trafficway  
32<sup>ND</sup> Street Alignment B Corridor

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SHEET 2 of 5



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 SHEET 3 of 5

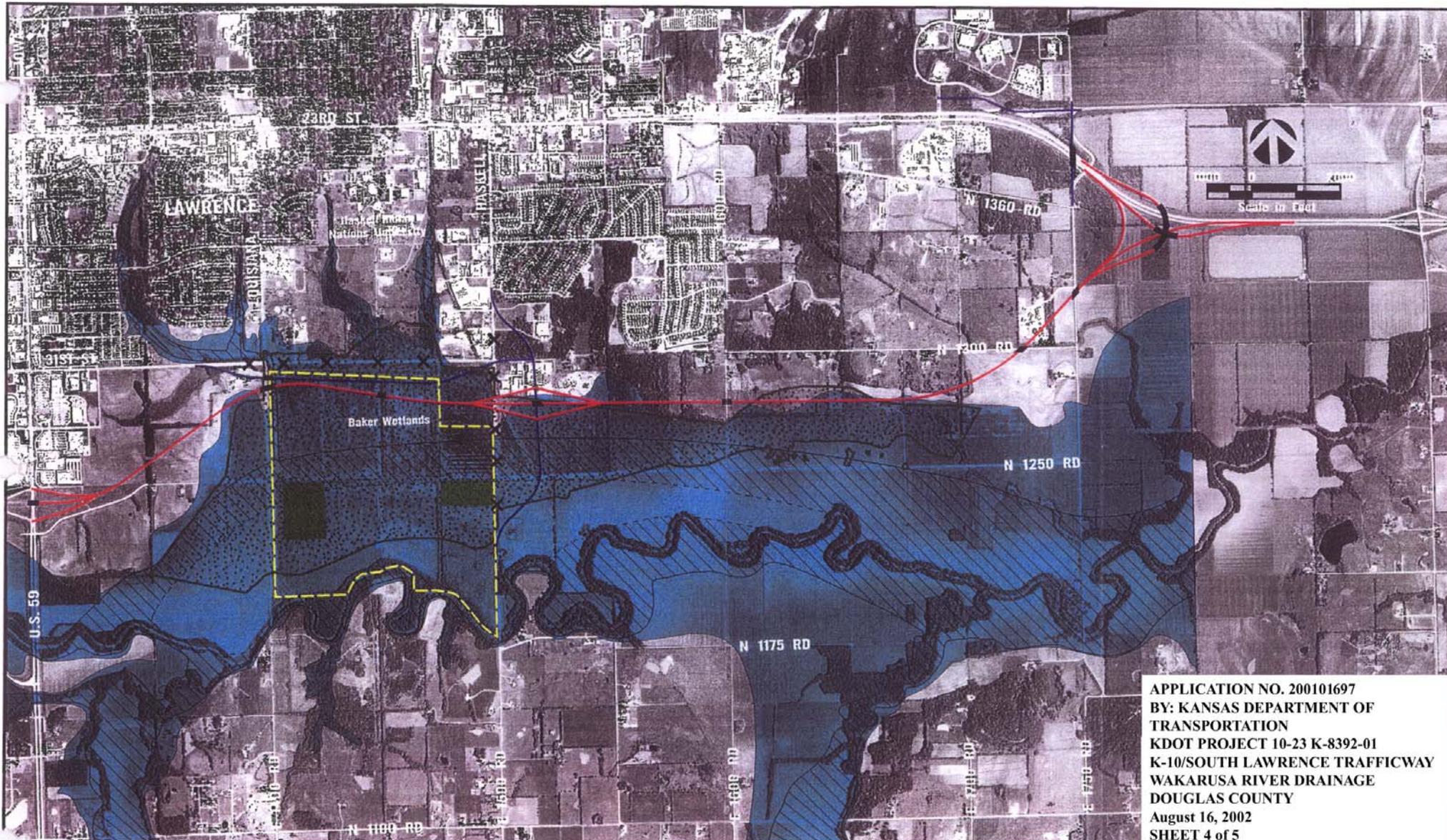
- Phase 1
- Phase 2
- Phase 2 Optional Locations



**SOUTH LAWRENCE TRAFFICWAY / K-10**  
Design Phases



32nd Street Alignment



APPLICATION NO. 200101697  
 BY: KANSAS DEPARTMENT OF  
 TRANSPORTATION  
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 K-10/SOUTH LAWRENCE TRAFFICWAY  
 WAKARUSA RIVER DRAINAGE  
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	Floodplain		Anticipated Bridge Locations (Others may be required for drainage)		32nd St. Alignment B
	Floodway		Virgin Prairie Wetlands		Local Streets
	Hydic Soils		Baker Wetlands		

**NOTES**

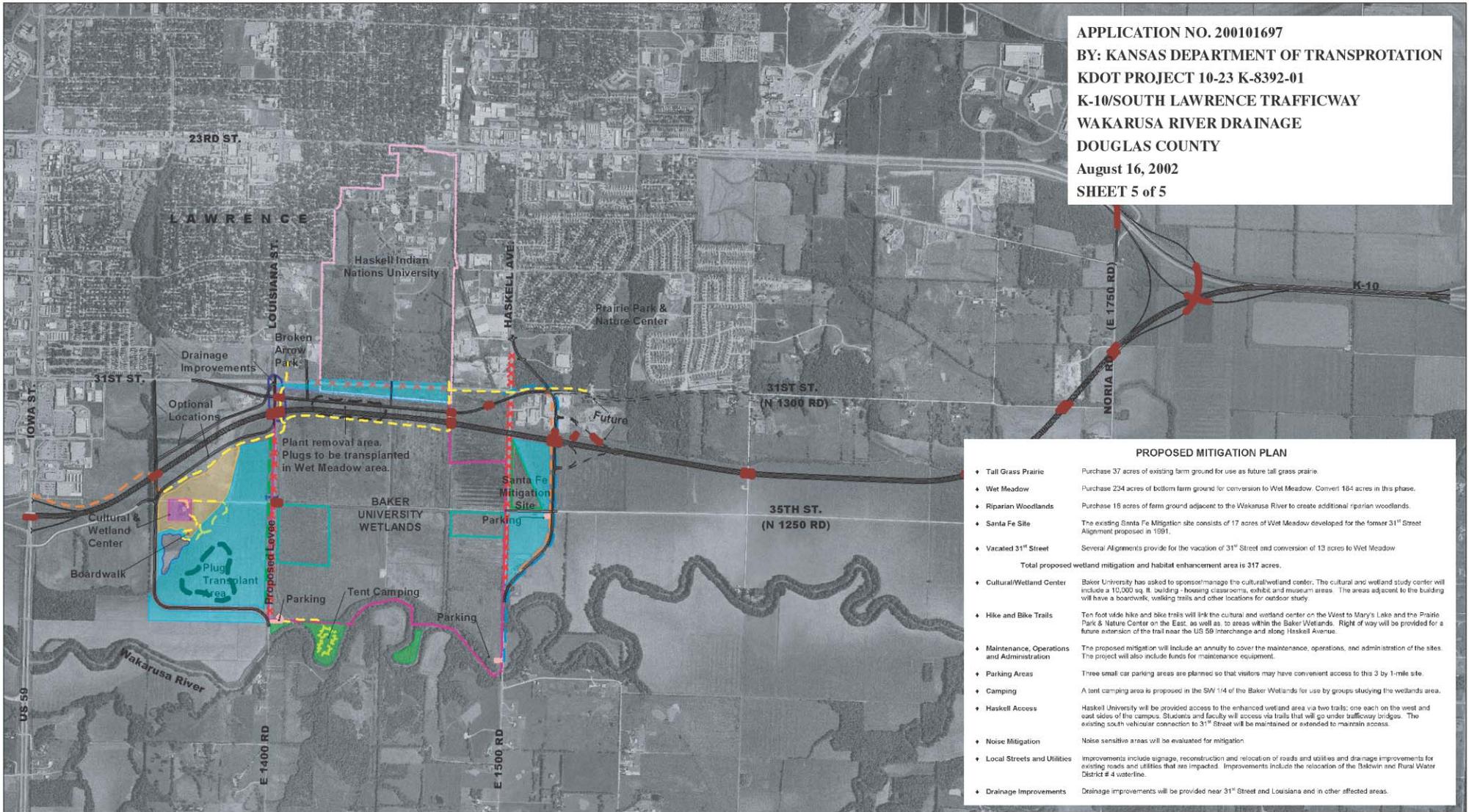
1. Preliminary Alignment Concepts are shown. Alignment locations are schematic and may shift. Variations or combinations of these preliminary alignments may be included in further study reviews.
2. Ultimate design to be a freeway similar to K-10 east of Lawrence (4 lane divided highway with interchanges). Initial construction may include 2 lanes of paving and at grade intersections (similar to K-10 west of US 59).



**SOUTH LAWRENCE TRAFFICWAY**  
  
 SOUTH LAWRENCE TRAFFICWAY

32nd St. Alignment B  
 EXHIBIT II-7

APPLICATION NO. 200101697  
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 SHEET 5 of 5



PROPOSED MITIGATION PLAN	
• Tall Grass Prairie	Purchase 37 acres of existing farm ground for use as future tall grass prairie.
• Wet Meadow	Purchase 234 acres of bottom farm ground for conversion to Wet Meadow. Convert 164 acres in this phase.
• Riparian Woodlands	Purchase 16 acres of farm ground adjacent to the Wakarusa River to create additional riparian woodlands.
• Santa Fe Site	The existing Santa Fe Mitigation site consists of 17 acres of Wet Meadow developed for the former 31 <sup>st</sup> Street Alignment proposed in 1991.
• Vacated 31 <sup>st</sup> Street	Several Alignments provide for the vacation of 31 <sup>st</sup> Street and conversion of 13 acres to Wet Meadow.
Total proposed wetland mitigation and habitat enhancement area is 317 acres.	
• Cultural/Wetland Center	Baker University has asked to sponsor/manage the cultural/wetland center. The cultural and wetland study center will include a 10,000 sq. ft. building, housing classrooms, exhibit and museum areas. The areas adjacent to the building will have a boardwalk, walking trails and other locations for outdoor study.
• Hike and Bike Trails	Ten foot wide hike and bike trails will link the cultural and wetland center on the West to Mary's Lake and the Prairie Park & Nature Center on the East, as well as to areas within the Baker Wetlands. Right of way will be provided for a future extension of the trail near the US 59 interchange and along Haskell Avenue.
• Maintenance, Operations and Administration	The proposed mitigation will include an annuity to cover the maintenance, operations, and administration of the sites. The project will also include funds for maintenance equipment.
• Parking Areas	Three small car parking areas are planned so that visitors may have convenient access to this 3 by 1-mile site.
• Camping	A tent camping area is proposed in the SW 1/4 of the Baker Wetlands for use by groups studying the wetlands area.
• Haskell Access	Haskell University will be provided access to the enhanced wetland area via two trails; one each on the west and east sides of the campus. Students and faculty will access via trails that will go under trafficway bridges. The existing south vehicular connection to 31 <sup>st</sup> Street will be maintained or extended to maintain access.
• Noise Mitigation	Noise sensitive areas will be evaluated for mitigation.
• Local Streets and Utilities	Improvements include signage, reconstruction and relocation of roads and utilities and drainage improvements for existing roads and utilities that are impacted. Improvements include the relocation of the Baker and Rural Water District # 4 waterline.
• Drainage Improvements	Drainage improvements will be provided near 31 <sup>st</sup> Street and Louisiana and in other affected areas.

- Hike & Bike Trail
- Parking Area
- Street Removal
- Trail Right-of-Way
- Virgin Wet Prairie
- Baker University Wetlands
- 32nd Street Alignment B
- Tallgrass Prairie
- Anticipated Bridge Locations
- Haskell University Property
- Wet Meadow
- Proposed Levee
- Santa Fe Mitigation Site
- Riparian Woodland
- Water Line Replacement
- Open Water
- Water Control Structure
- Cultural & Wetland Center

**Proposed Mitigation Plan for the  
32nd Street Alignment**



This Proposed Mitigation Plan prepared by KDOT is based on information provided (to date) by interested parties and is subject to approval by the Corps of Engineers in conjunction with the issuance of Corps of Engineers Permits.



**SOUTH LAWRENCE TRAFFICWAY / K-10  
Proposed Mitigation Plan**



**32nd Street Alignment**

**EXHIBIT III-8**