

PUBLIC NOTICE



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

**Permit No. 200402019
Issue Date: August 20, 2004
Expiration Date: September 19, 2004**

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, MO 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 proposed project is located in and along the left over bank of the Missouri River, between river miles (RM) 536 to 544, in the Nishnabotna Fish and Wildlife Mitigation Site. The Nishnabotna Site, also referred to as the Nishnabotna Conservation Area by the Missouri Department of Conservation (MDC), is located approximately three miles west of Watson, Missouri. The Nishnabotna Site is comprised of 1,283 acres and is owned by the Corps of Engineers. The site is located in portions of T65N, R42W, Sections 28, 29, 32, and 33; T65N, R43W, Section 1; T66N, R42W, Sections 28, 29, 32, and 33; T5N, R16E, Section 6; T6N, R15E, Sections 24 and 25; and T6N, R16E, Sections 30 and 31; all in Atchison County, Missouri.

AUTHORITY: The Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project as authorized in the Water Resources Development Acts of 1986 and 1999 (Public Law 99-662) and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): **PROPOSED WORK:** The U.S. Army Corps of Engineers (USACE) proposes to restore fisheries and wildlife habitat at the Nishnabotna Fish and Wildlife Mitigation Site under the Missouri River Fish and Wildlife Mitigation Project. Habitat development activities would include reestablishing terrestrial, wetland, and prairie habitats, as well as creating shallow water habitat along the bank of the Missouri River. Management activities are accomplished on site by the Missouri Department of Conservation through a cooperative agreement with the Corps. The site consists of two areas (Upper Nishnabotna and Lower Nishnabotna), separated by the Nishnabotna River and privately owned land. Upper Nishnabotna consists of approximately 603 acres and 1.7 miles of Missouri

River frontage, RM 543.7 to 542, and Lower Nishnabotna consists of approximately 680 acres and 3.9 miles of Missouri River frontage, RM 540.7 to 536.8. Upper Nishnabotna is currently protected from flooding by an existing agricultural levee. Lower Nishnabotna is located riverward of a Federal levee; however, the parcel is bounded on the south by a non-Federal levee. The primary purpose of the Missouri River Fish and Wildlife Mitigation Project is to mitigate the habitat lost as a result of the Missouri River Bank Stabilization and Navigation Project (BSNP).

The following list of activities would be part of the recommended alternative (Full Development Alternative). 1.) Upper Nishnabotna is protected from flooding by an existing agricultural levee along the Missouri River. This levee would be breached in order to reconnect the river to the floodplain and allow migration of spring floodwaters across the site, as well as to enhance the development of opportunistic wetlands. 2.) A fish friendly water control structure would also be installed on the east side of the site adjacent to the Nishnabotna River in order to provide management flexibility for the seasonal retention of floodwaters. 3.) Previously farmed areas would be re-vegetated with native plant species, which would include a mix of RPM type trees, bare root seedlings, natural succession of cottonwood and willow communities and prairie grasses. 4.) A portion of the site would be left in cropland through agricultural leasing in order to provide food plots for wildlife and to minimize potential crop damages from wildlife on adjacent lands. 5.) River structure modifications would be performed to encourage the erosion of bank along the Missouri River in order to develop shallow water habitat (SWH) and is anticipated to result in the creation of approximately 100 acres of SWH. SWH can be developed through a variety of methods ranging from bank notches, pilot channels landward of revetments, side channel chutes, dike notches, lowered dikes with chevrons, and combinations of these methods. The majority of the material excavated for the SWH activities would be deposited back in the Missouri River. 6.) The Corps would perform work at the confluence of the Missouri and Nishnabotna Rivers to maximize the habitat benefits of this area. Work at the confluence may include changes to the levees and/or modifications to river structures on the north side of the Nishnabotna River. 7.) Long-term maintenance of existing and newly created habitats would be performed. In addition, adaptive management of the Nishnabotna Site would be performed as necessary. 8.) Monitoring activities would also be conducted to determine the quality of the restored habitat and would be used to adaptively manage the site. 9.) No recreational features would be constructed; however, the site would be open to the public for a variety of uses including bird watching, hiking, fishing, and hunting. 10.) The Corps would seek to obtain permanent easements from adjacent landowners for access to the site. Improved access would allow public use of the area and allow MDC to complete habitat improvements and maintenance activities more efficiently. 11.) The Corps would seek to obtain permanent easement or fee title on the lands that separate the upper and lower parcels of the Nishnabotna Site, as well as adjacent lands. If any adjacent landowners were to become willing sellers in the future, the Corps would pursue acquisition of these properties.

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 Project Implementation Report and combined 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. 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. A preliminary determination has been made that the proposed work would be authorized by Nationwide Permit No. 27, Stream and Wetland Restoration Activities.

ADDITIONAL INFORMATION: Additional information about this public notice or the draft EA may be obtained by contacting Mr. David R. Hibbs, U.S. Army Corps of Engineers, Environmental Resources Section, 601 East 12th Street, Room 843, Kansas City, Missouri 64106, at telephone 816-983-3136 (FAX 816-426-2142) or via e-mail at David.R.Hibbs@usace.army.mil. All comments to this public notice and the draft EA should be directed to the above address.

WETLANDS: No discharge of dredged or fill material will occur in any jurisdictional wetlands identified in the project area.

DRAWINGS: The attached drawings provide location details of the proposed project.

PROPERTY ADJACENT TO PROJECT AREA: Property adjacent to the project area is owned by several private landowners.

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 properties listed, proposed for listing, or eligible for listing in the National Register were identified in the project area. Furthermore, our evaluation of potential impacts to historic properties indicates that the project would not impact any properties listed, proposed for listing, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. Pursuant to Section 106 of the National Historic Preservation Act, the Kansas City District has determined that no Historic Properties would be affected by the proposed project.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect, but is not likely to adversely affect, species designated as threatened or endangered or adversely modify or destroy critical habitat. In order to complete our evaluation of this activity, comments are being solicited from the U.S. Fish and Wildlife Service (directly under separate correspondence) 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 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.

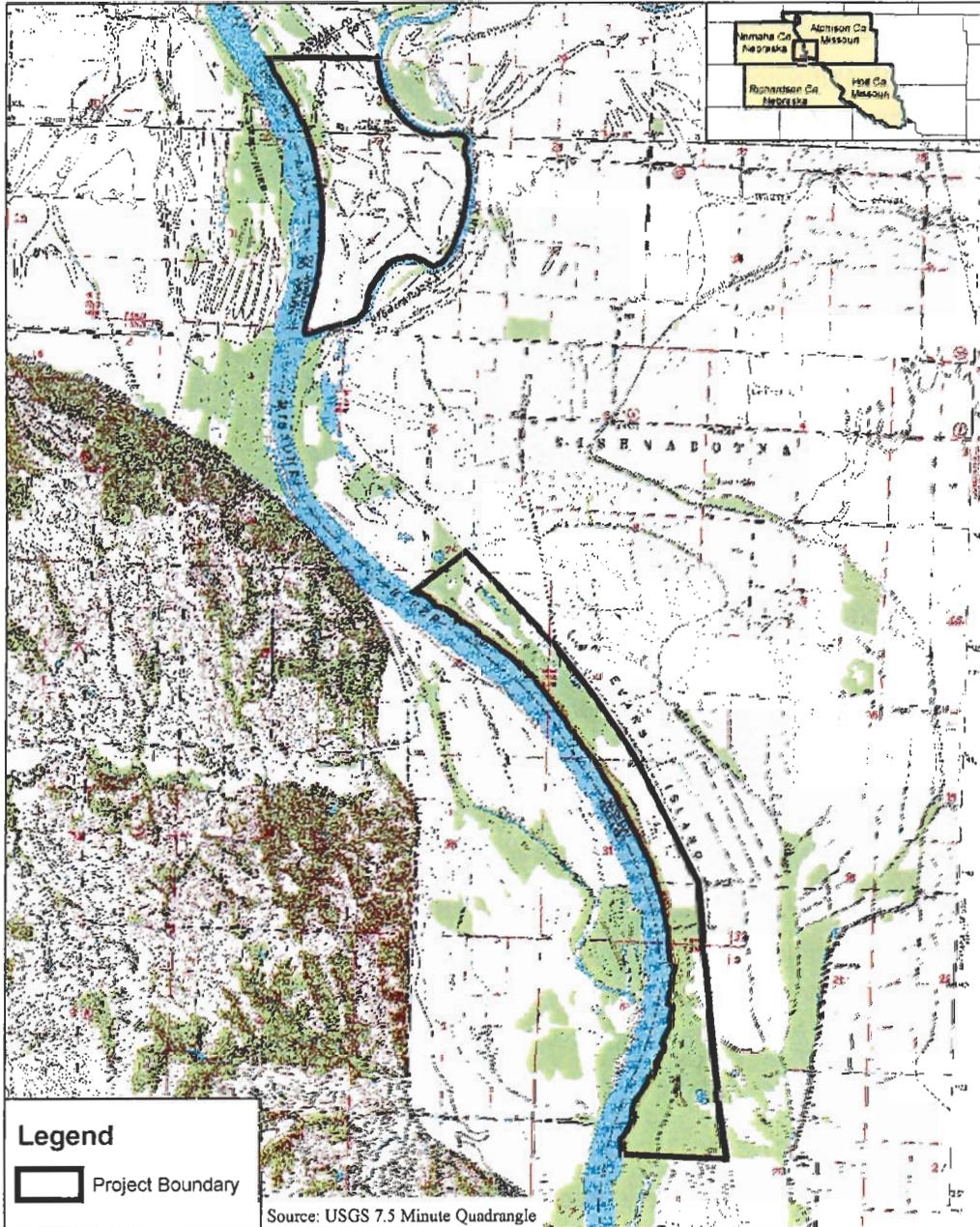
PUBLIC INTEREST REVIEW: The decision to issue authorization will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. 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, 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 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 3 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.

**PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT
PUBLIC NOTICE NO. 200402019**

	YES	POTENTIAL EFFECTS	NO
I. Physical Effects A. Potential destruction of wetlands..... B. Impact on water column..... C. Covering of benthic communities.....		X X	X
II. Chemical-Biological Interactive Effects A. Adverse effect of chemical constituents on water column..... B. Adverse effect of chemical constituents on benthos			X X
III. Applicable Water Quality Standards A. Will activity be in conformance with applicable standards?.....	X		
IV. Selection of Disposal Sites A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem..... B. Have the needs for the proposed activity been considered?..... C. Have alternatives been considered?..... D. Impacts on water uses at the proposed disposal site	X X X	X X	
V. Contamination of Fill Material A. Contamination of fill material if from a land source.....			X
VI. Mixing Zone A. Have mixing zone determinations been established for each disposal site?.....			X
VII. Impacts to Navigation A. Impairment to maintenance of navigation. B. Economic impact on navigation and anchorage.....			X X
VIII. Public Participation and Coordination A. Will a public interest review be conducted?.....	X		



Nishnabotna Fish and Wildlife Mitigation Site

Project Location



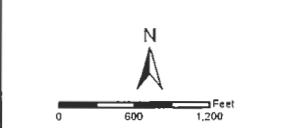
US Army Corps of Engineers
Kansas City District



Legend

-  Croplands
-  Forest
-  Herbaceous Vegetation
-  Early Successional
-  Warm Season Grasses
-  Wetlands
-  Shallow Water Habitat

Source Data
 Aerial Imagery (DOQQ) flown 1996 source MSDIS
 Nishnabotna Desired Land Use from CDE



Upper Nishnabotna Fish and Wildlife Mitigation Site

Desired Land Use Conditions



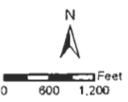
US Army Corps of Engineers
 Kansas City District



Legend

-  Croplands
-  Forest
-  Herbaceous Vegetation
-  Tree Plantings
-  Warm Season Grasses
-  Wetlands
-  Shallow Water Habitat

Source Data: Aerial Imagery (DOQQ) flown 1996 source MSDIS
Nishnabotna Desired Land Use from COE



**Lower Nishnabotna Fish and Wildlife
Mitigation Site**

Desired Land Use Conditions



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