

PUBLIC NOTICE



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

**Permit No. 2007-279
Issue Date: April 17, 2007
Expiration Date: May 8, 2007**

21-Day Notice

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 - Bureau of Design
700 SW Harrison 13th Floor – Eisenhower State Office Building
Topeka, KS 66603

PROJECT LOCATION (As shown on the attached drawings): In/across the Marais des Cygnes River in the NE ¼ of Section 5, Township 20 south, Range 24 east, Linn County, Kansas, or just west of the city limits of LaCygne on K-152. Coordinates: 38° 20' 43" N / 94° 46' 16" W
LA CYGNE QUAD

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

ACTIVITY (As shown on the attached drawings): **PROPOSED:** KDOT Project 152-54 KA-0197-01. The applicant proposes to construct Bridge No. (074) at Sta. 380+45.90 on K-152 over the Marais des Cygnes River. The new bridge would be located on offset alignment, or adjacent to the existing bridge, which would allow K-152 to remain open during construction. The placement of the bridge piers on the new bridge have been designed to minimize impacts to waters of the U.S. One pier of three would be located below the ordinary high water mark, resulting in approximately 0.002 acres of permanent fill. The existing Bridge No. (026) would be removed once the new bridge construction is complete. Additionally, the mouth of an intermittent tributary, or approximately 89 linear feet, would be realigned to accommodate the new structure. As stated by the applicant, the realignment is necessary to avoid scour potential of the tributary entering directly into the new bridge pier. The new channel would have a backward "S" shape so it would enter the river at a natural angle and result in an increase in length of channel by one foot for a new channel length of 90 linear feet. A total of 0.02 acres would be filled as a result of the channel change. The proposed realignment of the tributary would minimize impacts to suitable Bald Eagle trees. The project purpose would be to replace the existing, deteriorating bridge with a new, safe bridge.

The applicant has proposed mitigation to offset unavoidable impacts to waters of the U.S., which include an added meander associated with the channel change. As stated above, this would lengthen the channel by one foot. Other mitigation is proposed to offset any potential impacts to threatened and endangered species such as the bald eagle, broadhead skink, and mucket mussel. The applicant has coordinated with KDWP and USFWS on these matters.

WETLANDS: No wetlands were identified at the project site; however the Marais des Cygnes River in Linn County is listed as an Exceptional State Water and a Special Aquatic Life Use Water.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Sarah Reznicek at (816) 389-3741, by emailing sarah.m.reznicek@usace.army.mil, or by mailing the Kansas State Regulatory Office at 2710 NE Shady Creek Access Road, El Dorado, KS 67042. 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. The applicant has coordinated with the Kansas Department of Wildlife & Parks concerning the need for an Action Permit.

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. 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 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. 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.

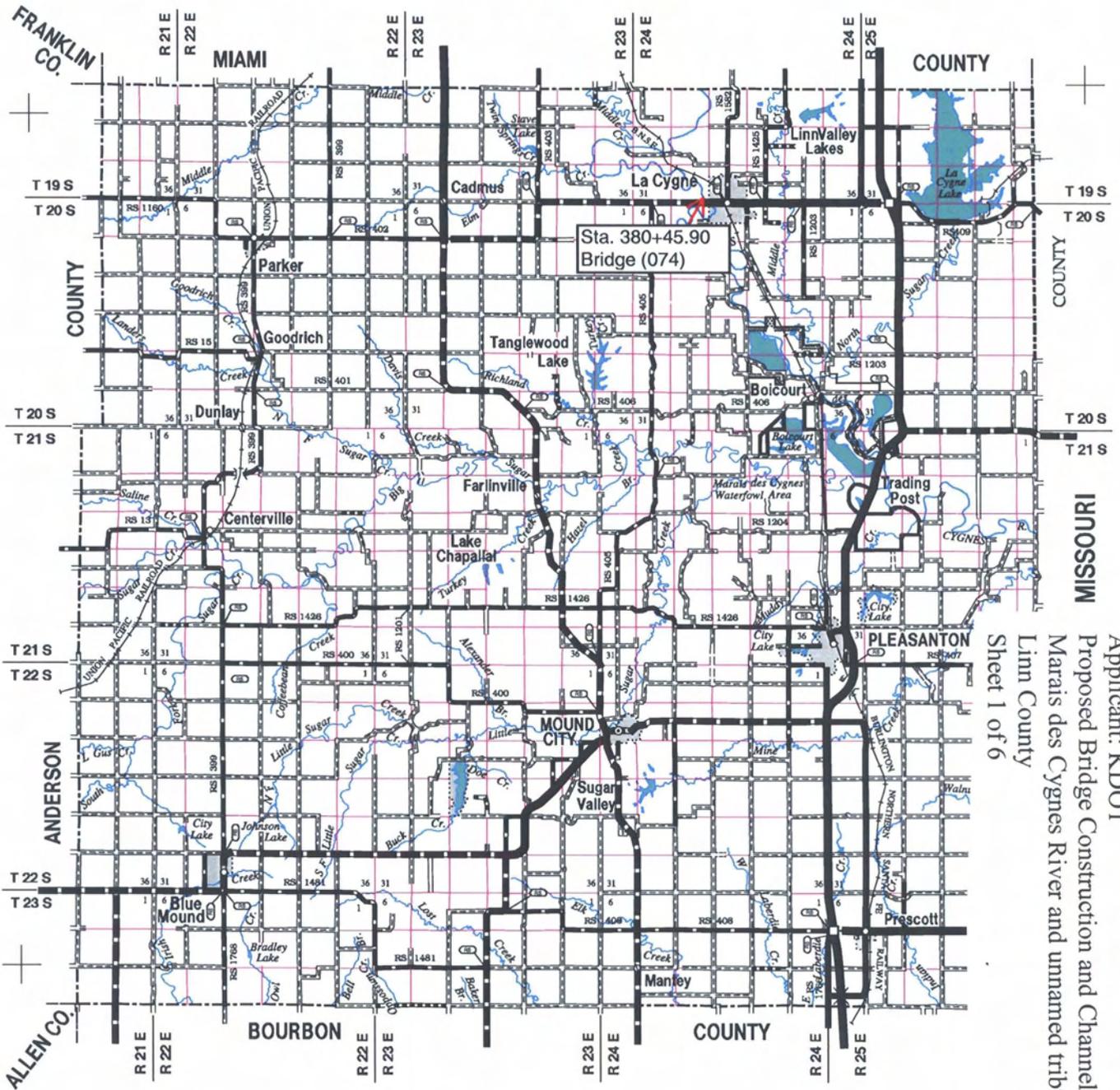
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The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

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/public_notices.htm



IRROSSIM

Application No.: NWK-2007-279-E
 Applicant: KDOT
 Proposed Bridge Construction and Channel Change
 Marais des Cygnes River and unnamed tributary
 Linn County
 Sheet 1 of 6

LEGEND

ROADS AND ROADWAY FEATURES		ROAD SYSTEM DESIGNATION	
Primitive Road (Type A)	.....	Rural Secondary System	RS
Unimproved Road (Type B)	.....	Interstate Numbered Highway	
Graded and Drained Road (Type C)	.....	U.S. Numbered Highway	
Soil Surfaced Road (Type D)	.....	State Highway System or State Numbered Highway	
Gravel or Stone Road - Graded and Drained (Type E-2)	.....	End of Designated System or Marked Route	
Projected Road	.....	Kansas Turnpike Authority	
Bluminous Road - Low Type (Type F, G-1, H-1)	.....	
Paved Road (Type G-2, H-2, I, J, K, L)	.....	
Divided Highway	.....	
Highway With Full Control of Access and Interchange	.....	

POLYCONIC PROJECTION

 KEY TO COUNTIES
 RS SYSTEM REVISED TO AUGUST 10, 1992

GENERAL HIGHWAY MAP
LINN COUNTY
KANSAS

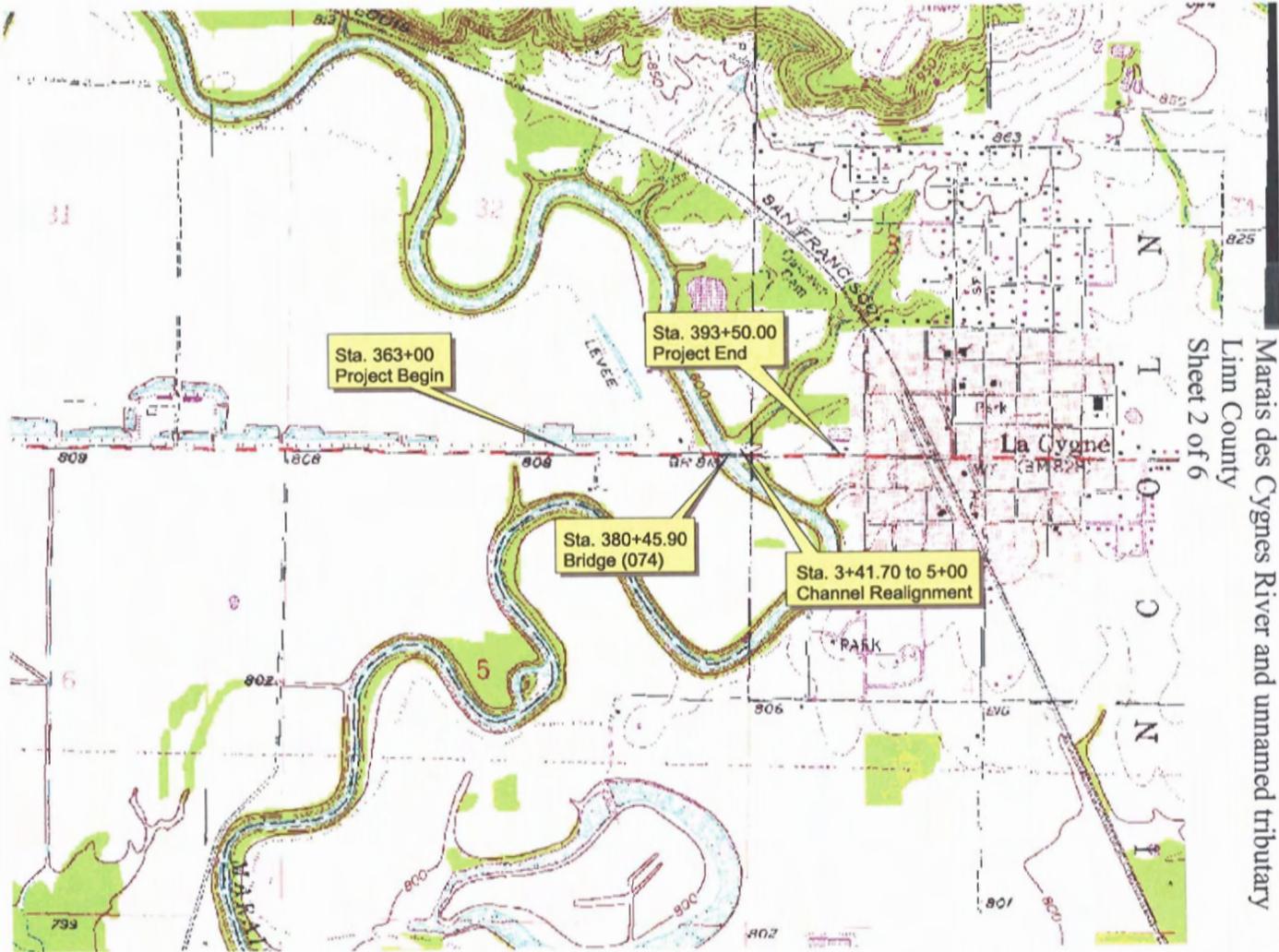
PREPARED BY THE
 KANSAS DEPARTMENT OF TRANSPORTATION
 BUREAU OF TRANSPORTATION PLANNING
 IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

SCALE IN MILES

 SCALE IN KILOMETERS

 1998
 COMPUTER GENERATED

KDOT Project: 152-54 KA-0197-01

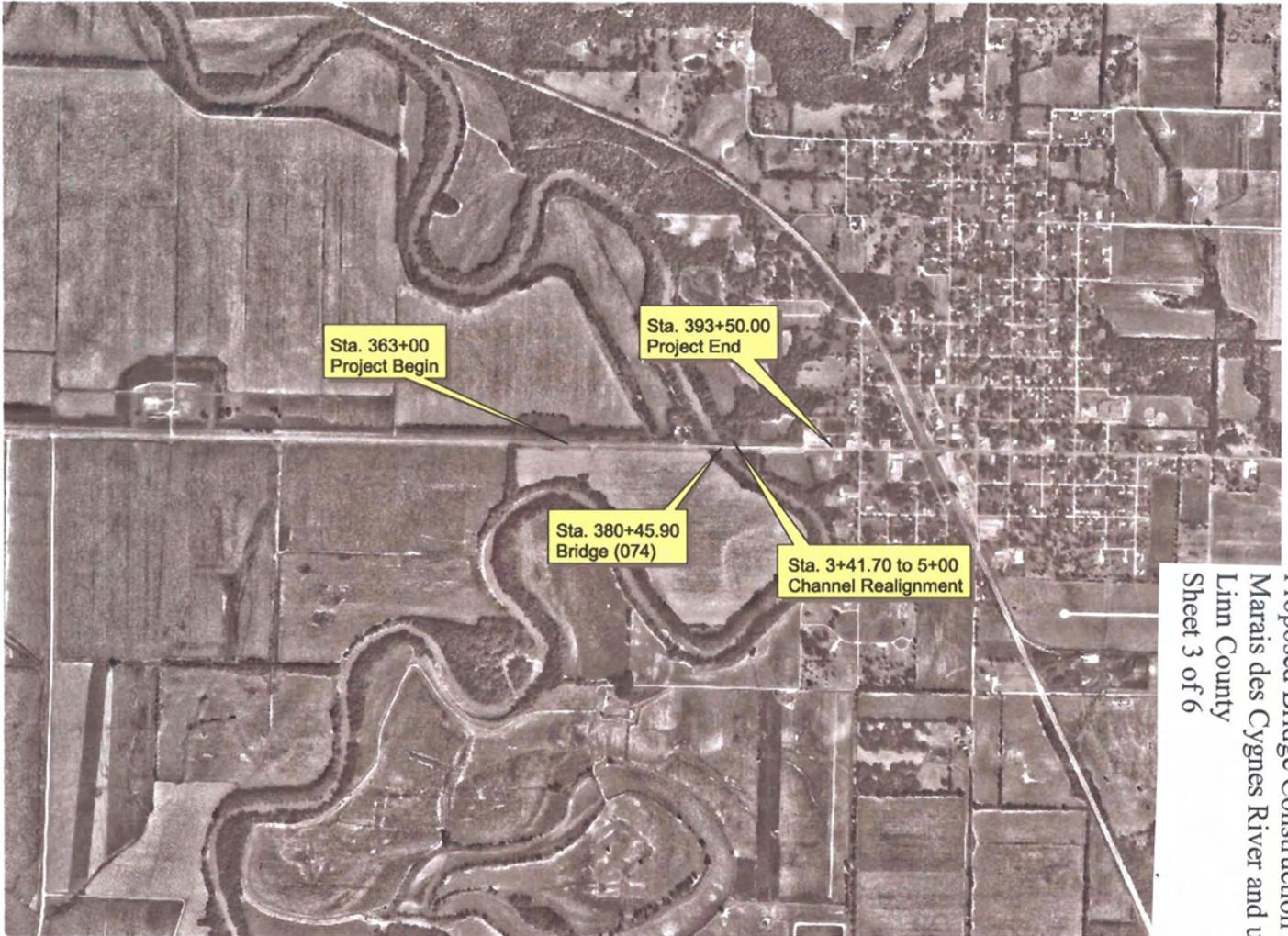


Application No.: NWK-2007-279-E
Applicant: KDOT
Proposed Bridge Construction and Channel Change
Marais des Cygnes River and unnamed tributary
Linn County
Sheet 2 of 6

Linn County
La Cygne Quad
Marais Des Cygne River



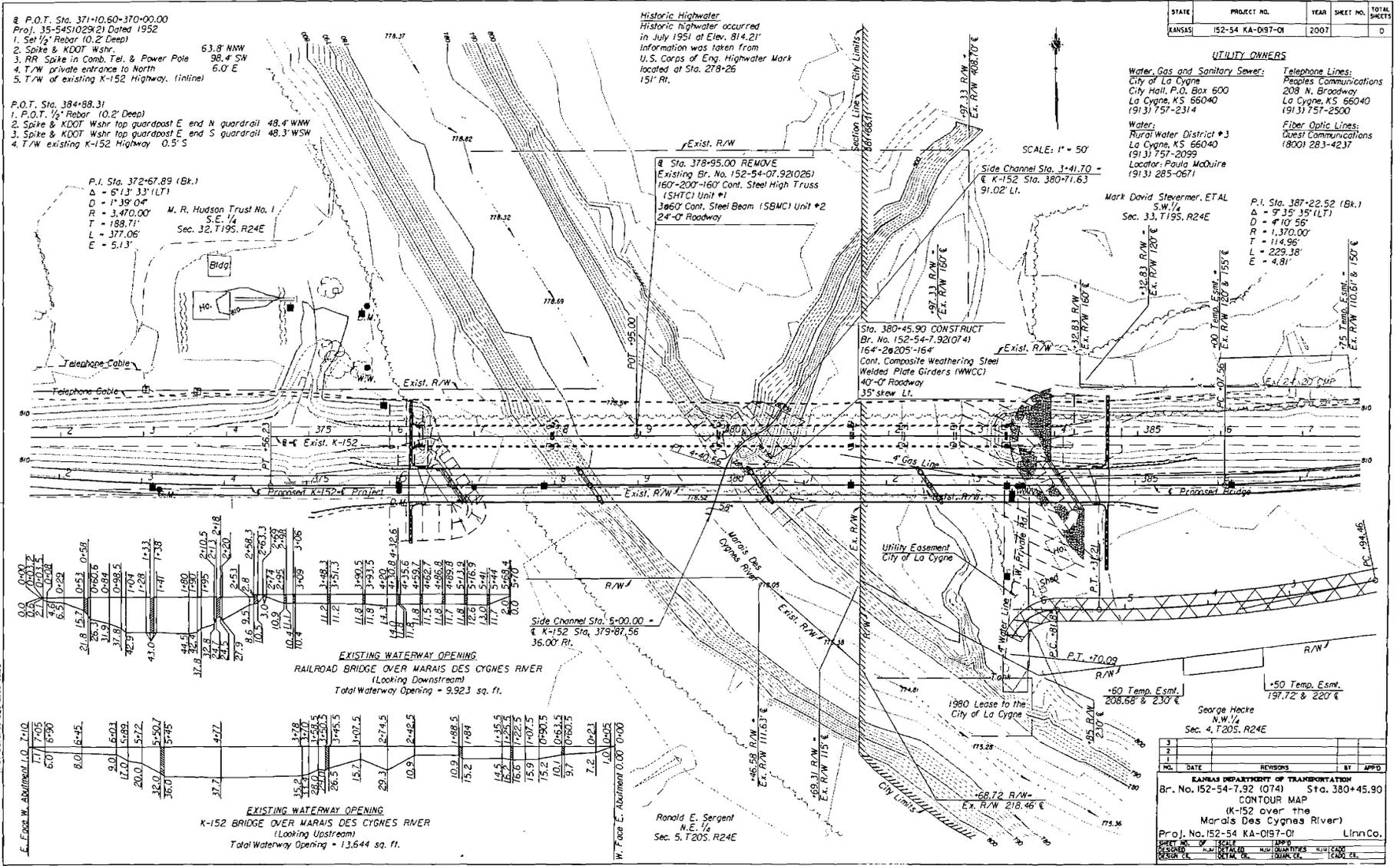
KDOT Project: 152-54 KA-0197-01



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Linn County
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Linn County
La Cygne Quad
Marais Des Cygne River





STATE	PROJECT NO.	YEAR	SHEET NO.	TOTAL SHEETS
KANSAS	152-54 KA-0197-01	2007		0

UTILITY OWNERS

Water Gas and Sanitary Sewer:
 City of La Cynne
 City Hall, P.O. Box 600
 La Cynne, KS 66040
 (913) 757-2314

Water:
 Rural Water District #3
 La Cynne, KS 66040
 (913) 757-2099
 Locator: Paula McQuire
 (913) 285-0671

Telephone Lines:
 Peoples Communications
 208 N. Broadway
 La Cynne, KS 66040
 (913) 757-2500

Fiber Optic Lines:
 Quest Communications
 (800) 283-4237

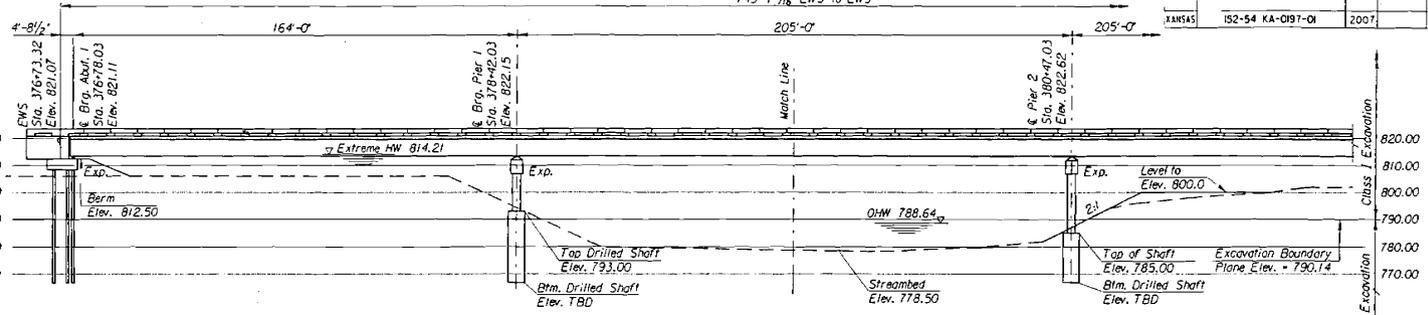
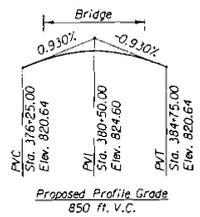
SCALE: 1" = 50'

Plotted By: mirone
 File: 07201-07-enc-01a (09/10 - 04/11)
 Plot Date: 08/20/2008 09:35

NO.	DATE	REVISIONS	BY	APP'D
1				
2				
3				

KANSAS DEPARTMENT OF TRANSPORTATION
 Br. No. 152-54-7.92 (074) Sta. 380+45.90
 CONTOUR MAP
 (K-152 over the
 Marais des Cygnes River)
 Proj. No. 152-54 KA-0197-01 Linn Co.
 SHEET NO. OF SCALE TYPED
 DESIGNED BY CHECKED BY QUANTITIES BY CAD
 DESIGNER DATE CHECKER DATE CHECKER

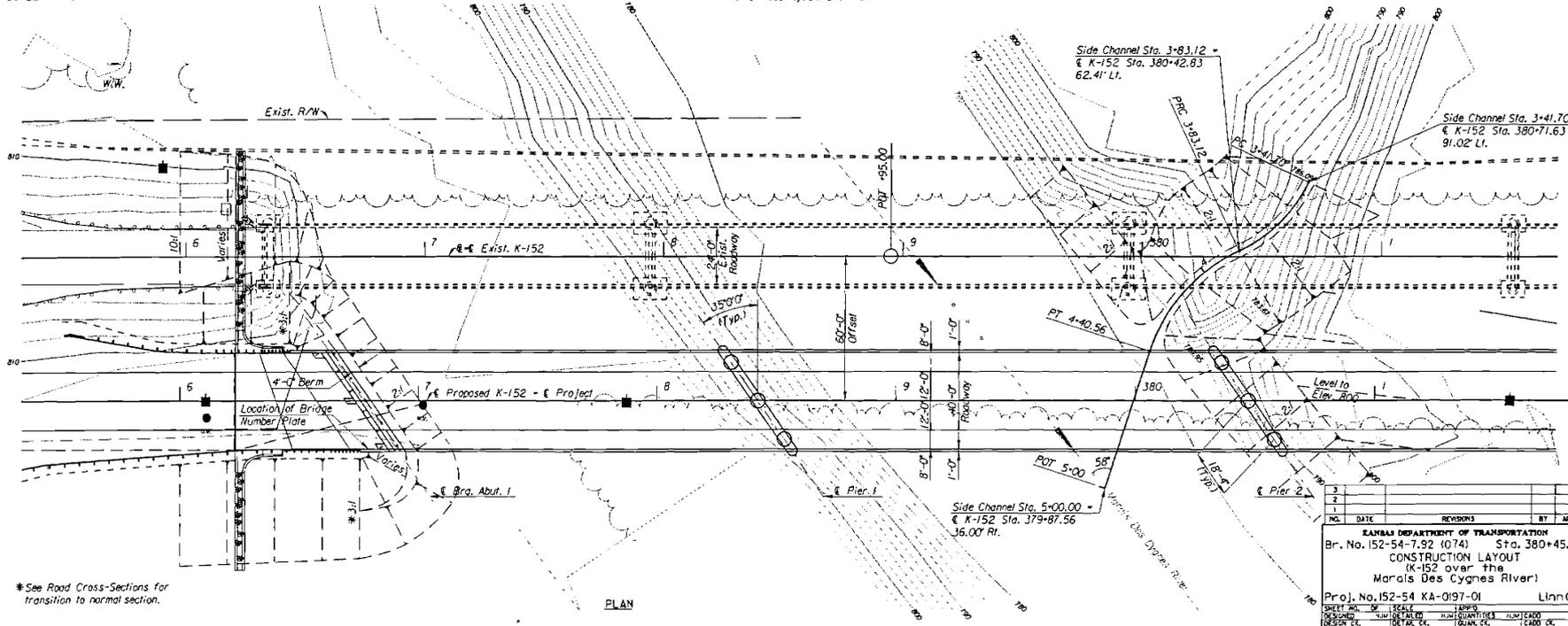
Application No.: NWK-2007-279-E
 Applicant: KDOT
 Proposed Bridge Construction and Channel Change
 Marais des Cygnes River and unannexed tributary
 Linn County
 Sheet 4 of 6



B.M. #12 Set Rivet & K.D.O.T. Washer, in West End of North Subguard Marais Des Cygnes River Bridge 12.77' Lt. @ Sta. 376+34.09 Elev. = 819.04

B.M. #13 Set Rivet & K.D.O.T. Washer in East end of South Handrail Marais Des Cygnes River Bridge 16.19' Rt. @ Sta. 383+51.57 Elev. = 816.68

SCALE: 1" = 20'



Plotted By: marone
File: 019701-07+02.dwg (019701-07+02)
Plot Date: 08-02-2006 09:40

*See Road Cross-Sections for transition to normal section.

NO.	DATE	REVISION	BY	APP'D
1				
2				
3				

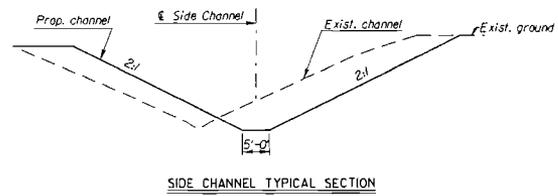
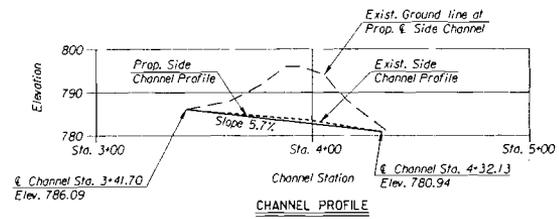
KANSAS DEPARTMENT OF TRANSPORTATION
Br. No. 152-54-7.92 (074) Sta. 380+45.90
CONSTRUCTION LAYOUT
(K-152 over the
Marais Des Cygnes River)

Proj. No. 152-54 KA-0197-01 Linn Co.
SHEET NO. 06 TOTAL SHEETS 10
DESIGNER: [blank] SURVEYOR: [blank] PLANNING: [blank] ALTERNATE: [blank] CHECKER: [blank]
DESIGNER: [blank] SURVEYOR: [blank] PLANNING: [blank] ALTERNATE: [blank] CHECKER: [blank]

Application No.: NWK-2007-279-E
Applicant: KDOT
Proposed Bridge Construction and Channel Change
Marais des Cygnes River and unnamed tributary
Linn County
Sheet 5 of 6

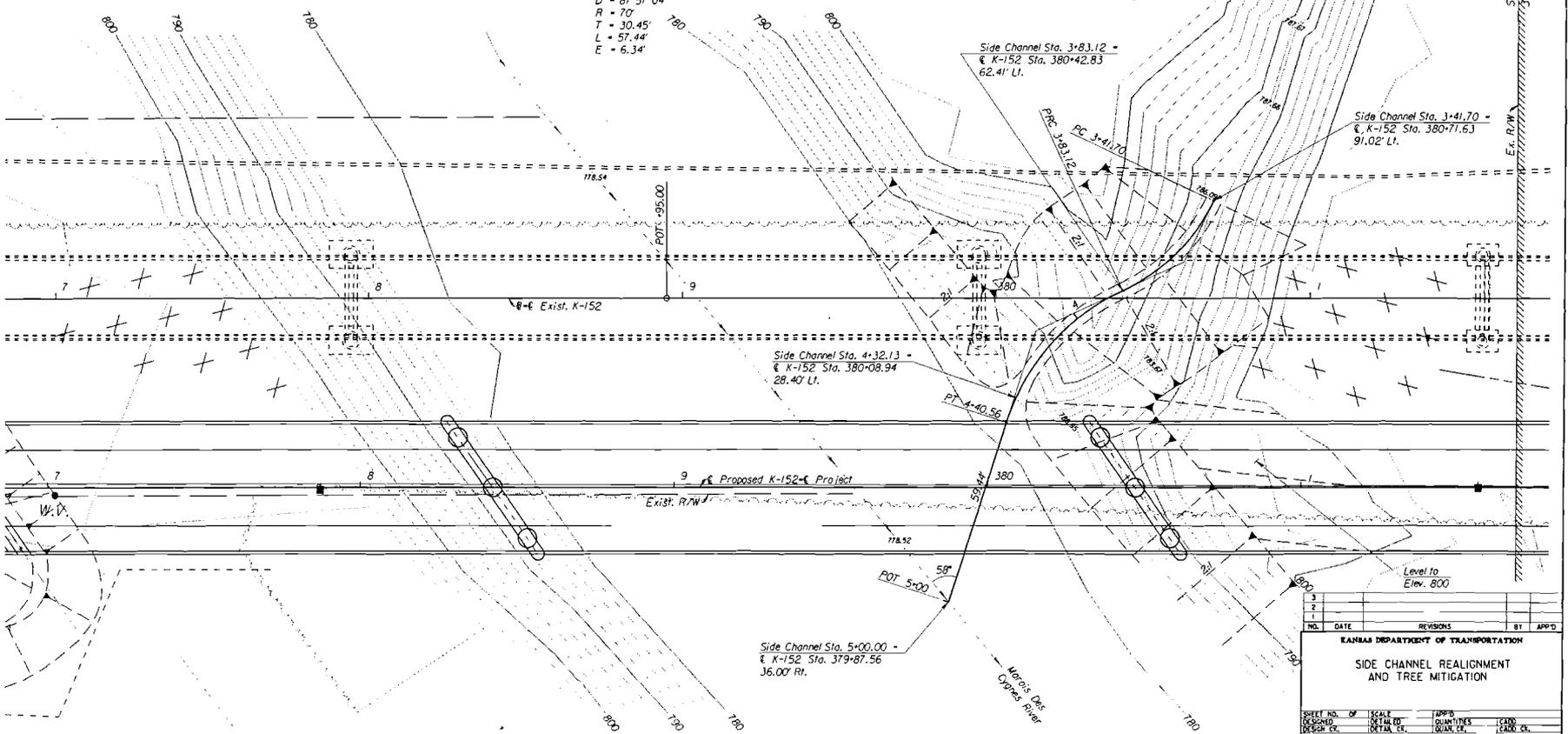
STATE	PROJECT NO.	YEAR	SHEET NO.	TOTAL SHEETS
KANSAS	152-54 KA-0197-01	2007	0	0

LEGEND
 X Proposed Tree Planting
 (24 Eagle trees)



PI Sta. 4+13.57 (BK)
 $\Delta = 47^{\circ}01'01''$
 $D = 81^{\circ}51'04''$
 $R = 70'$
 $T = 30.45'$
 $L = 57.44'$
 $E = 6.34'$

PI Sta. 3+63.27 (BK)
 $\Delta = 39^{\circ}33'07''$
 $D = 95^{\circ}29'15''$
 $R = 60'$
 $T = 21.57'$
 $L = 41.42'$
 $E = 3.76'$



Plotted By: mcrone
 File: 019701-07+23.dwg (019701-07+23)
 Plot Date: 11/08/07 16:19

KANSAS DEPARTMENT OF TRANSPORTATION				
SIDE CHANNEL REALIGNMENT AND TREE MITIGATION				
SHEET NO.	OF	SCALE	APP'D	
DESIGN	CK	DETAIL	CK	LEAD
DESIGN	CK	DETAIL	CK	LEAD

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