

# PUBLIC NOTICE



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

**Permit No. 200400253  
Issue Date: November 26, 2003  
Expiration Date: December 17, 2003**

**21-Day Notice**

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**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 bank of the Missouri River, between river miles 193 and 194.5, in and adjacent to the Franklin Island Conservation Area. The site is located approximately 2.5 miles downstream of Boonville, in various survey numbers of Township 48 north, Range 16 west, in Howard County, Missouri.

**AUTHORITY:** Section 404 of the Clean Water Act (33 USC 1344) and the Missouri River Fish and Wildlife Mitigation Project as authorized in the Water Resources Development Acts of 1986 and 1999.

**ACTIVITY** (As shown on the attached drawings): **PROPOSED WORK:** This is in reference to the Corps of Engineers, Kansas City District's, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project (BSNP) and proposed structural modifications for the development of Shallow Water Habitat (SWH). The proposed SWH work from Rulo, Nebraska to St. Louis, Missouri is to meet the requirements of the U.S. Fish and Wildlife Service's (FWS) Biological Opinion, dated November 30, 2000, for habitat needs of the pallid sturgeon (*Scaphirynchus albus*). The primary purpose of the Missouri River Fish and Wildlife Mitigation Project is to mitigate the habitat lost as a result of the BSNP.

The Shallow Water Habitat restoration at the Franklin Island Conservation Area includes the flanking of one revetment and seven dikes. This will result in a total of approximately 4,900 ft of chutes. The preliminary design for the chutes includes a bottom width of 40 ft and a depth of -5 Construction Reference Plane (CRP), which is approximately 24 feet below the top of bank. It is estimated that about 250,000 yd<sup>3</sup> of material will be excavated for the project. Approximately 40% (100,000 yd<sup>3</sup>) of the excavation will be placed in the river; the remaining spoil will be side cast along the top of the chutes. Depths of 10-14 ft near the ends of the dikes existed during a flow of 45,700 cfs and a stage of approximately -1 CRP. Some of the area riverward of the chutes will be cleared and excavated to a lower elevation. This will allow for a safe working area for the equipment operators and additional SWH will be created since these areas will be inundated more frequently. This approach will result in a maximum of approximately 8 acres of cleared land. There is currently about 270 acres of timber at the site, so less than 3% will be impacted by the

proposed work. A detailed work plan will be generated prior to starting construction. The purpose of the project is to create shallow water habitat by increasing the aquatic habitat with side chutes and returning sediments to the river from recently accreted lands formed by deposits of modern alluvium in and around the dike fields and behind the revetments, thereby creating additional shallow water and sandbar habitat.

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

**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 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 project as proposed would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines.

**ADDITIONAL INFORMATION:** Additional information about this public notice may be obtained by contacting Mr. David R. Hibbs, U.S. Army Corps of Engineers, Environmental Resources Section, 601 East 12<sup>th</sup> 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](mailto:David.R.Hibbs@usace.army.mil). All comments to this public notice should be directed to the above address.

**WETLANDS:** No jurisdictional wetlands have been identified in the project area.

**DRAWINGS:** The attached drawings and aerial photos provide location details of the proposed project.

**PROPERTY ADJACENT TO PROJECT AREA:** Property adjacent to the project area is owned by the Missouri Department of Conservation, Franklin Island Conservation Area.

**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. Kansas City District has determined that all construction work associated with the project would occur on Corps structures, i.e. dikes and revetments, and recently accreted lands formed by deposits of modern alluvium in and around the dike fields and behind the revetments. Therefore, we have determined that archeological surveys of the project areas are not required, since all work would occur on existing structures and recently accreted land within the last 50 years. 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. Kansas City District will evaluate input by the State Historic Preservation Officer and the public in response to this public notice.

**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 identified 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.

**PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT  
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	YES	POTENTIAL EFFECTS	NO
<b>I. Physical Effects</b>			
A. Potential destruction of wetlands.....			X
B. Impact on water column.....		X	
C. Covering of benthic communities.....		X	
<b>II. Chemical-Biological Interactive Effects</b>			
A. Adverse effect of chemical constituents on water column.....			X
B. Adverse effect of chemical constituents on benthos .....			X
<b>III. Applicable Water Quality Standards</b>			
A. Will activity be in conformance with applicable standards?.....	X		
<b>IV. Selection of Disposal Sites</b>			
A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem.....		X	
B. Have the needs for the proposed activity been considered?.....	X		
C. Have alternatives been considered?.....	X		
D. Impacts on water uses at the proposed disposal site .....		X	
E. Have mitigation measures to minimize harmful effects been considered?.....	X		
<b>V. Contamination of Fill Material</b>			
A. Contamination of fill material if from a land source.....			X
<b>VI. Mixing Zone</b>			
A. Have mixing zone determinations been established for each disposal site?.....			X
<b>VII. Impacts to Navigation</b>			
A. Impairment to maintenance of navigation.			X
B. Economic impact on navigation and anchorage.....			X
<b>VIII. Public Participation and Coordination</b>			
A. Will a public interest review be conducted?.....	X		



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0 1MI

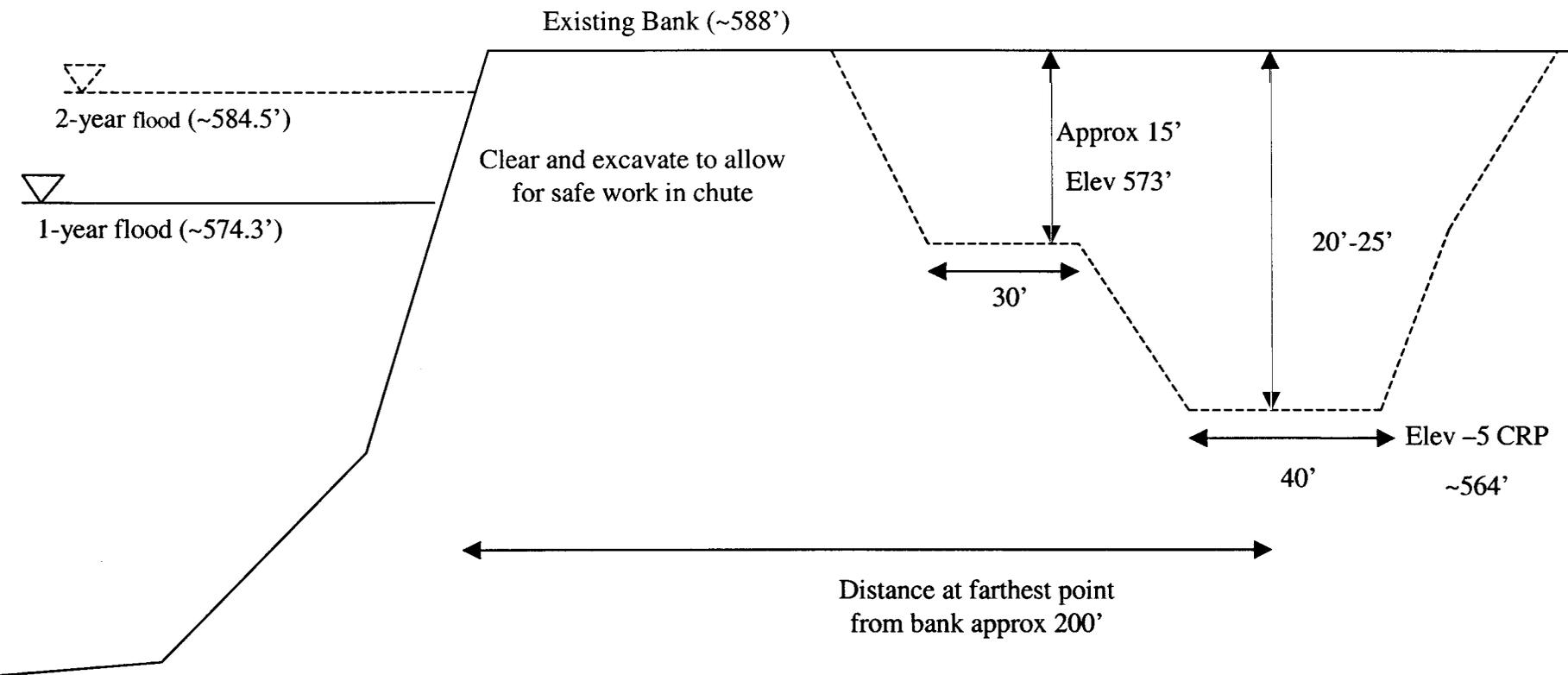
# Franklin Island



1:8,000

# Franklin Island Chutes

Typical Cross-Section (DRAFT)



# Franklin Island Excavation Detail

Dike 207.71 River Mile 193.0

