PUBLIC NOTICE

Permit No. 2014-608
Issue Date: May 16, 2014
Expiration Date: June 15, 2014

US Army Corps of Engineers
Kansas City District

30-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Missouri 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
601 East 12th Street
Kansas City, MO 64106-2896

PROJECT LOCATION (As shown on the attached drawings): The proposed project is located on existing public land purchased in fee title by the U.S. Army Corps of Engineers in St. Charles County, Missouri. This project site is 1,342 acres in size and is located south of West Alton, Missouri. The area is adjacent to the left descending bank of the Missouri River, at river miles 3 to 6. The project is located at latitude 38˚50'04.78" north, and longitude 90˚11'00.97" west. See Figure 1.

AUTHORITY: The project would be completed under the authority of the Missouri River Fish and Wildlife Mitigation Project (Mitigation Project) from Water Resource Development Acts (WRDA) of 1986, 1999, and 2007. The proposed action 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: The goal of the proposed action is to create habitat to benefit the federally endangered pallid sturgeon by meeting the requirements of the U.S. Fish and Wildlife Service's *2003 Amendment to the 2000 Biological Opinion 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* to avoid jeopardy to this species. This project would include the restoration of shallow water habitat, floodplain connectivity, riparian habitat, and reversion of the site to habitat compliant with WRDA authorities.

The proposed action would result in approximately 42 acres of shallow water habitat

immediately following construction through the creation of three side channel chutes that would total 24,000 linear feet in length. The chutes would be constructed to a width of approximately 75-feet and a depth of 5 to 7-feet below the construction reference plan. Over time, natural processes would expand the width of the chutes and result in approximately 111 acres of shallow water habitat. At least one rock control structure would be installed to control the ultimate width of the chute and prevent the chute from widening beyond a bottom width of 200 feet. In total, approximately 202 acres of farmed wetlands would be adversely impacted by implementing the project. These impacts would be mitigated onsite by creating berms to maintain or develop wetland hydrology in locations adjacent to the chutes.

The top three feet of soil from the chute alignments, approximately 380,000 cubic yards, would be removed using heavy construction equipment and placed adjacent to the channel. Up to 200,000 cubic yards of this material would be used to construct berms for wetland mitigation. The remaining soil in the chutes, approximately 1,791,000 cubic yards, would be removed using a hydraulic dredge and discharged into the Missouri River. The remaining material excavated from the top three feet and an additional 2,600,000 cubic yards would also enter the Missouri River as the chute widens through natural processes. A typical chute cross section is illustrated in Figure 2.

Floodplain connectivity would be improved to approximately 1,200 acres of land that is currently protected by a levee. This would occur by removing portions of the levee within the chute alignment. In addition, six additional locations would be notched to allow a better hydrologic connection with the Missouri River. Existing Bank Stabilization and Navigation Project dikes adjacent to Cora Island would be modified so that the flow of water through the new chute complex would not result in any changes to existing water level elevations of the Missouri River in the vicinity of the project. Natural regeneration would be the primary method of vegetative restoration on the remainder of the site; however, if needed, plantings would be undertaken as part of site operation and maintenance to ensure ecological success. The Corps would have responsibility for long-term operation and maintenance of the shallow water habitat, and the USFWS would be the on-site management agency. Collectively, the 1,342 acre site would be managed by USFWS as part of their Big Muddy National Fish and Wildlife Refuge.

A detailed description of the proposed action is described in Section 3 of the Cora Island Missouri River Recovery Project Implementation Report with Integrated Environmental Assessment. See Figure 3 for an illustration of project features.

WETLANDS/AQUATIC HABITAT: The proposed action would not result in any net change in the acres of wetland habitat. Constructing the chutes and stockpiling the top three feet of soil on land adjacent to the chutes would adversely impact about 61 acres of farmed wetlands. Additionally, there would also be impacts to the hydrology on another 141 acres of farmed wetlands. These impacts would be mitigated by constructing earthen berms to create new wetlands and maintain suitable hydrology on existing farmed wetlands so that there would be no overall net loss of wetland habitat. Up to 200,000 cubic yards of soil excavated from the top three feet of the chute alignments would be used to create earthen berms to mitigate for impacts to farmed wetlands. The berms, approximately 4 feet tall, would be constructed to maintain wetland hydrology on farmed wetlands that would be bisected by the chutes. The location of the

impacted wetlands, berms, and new wetland areas are shown in Figure 2. As a result of mitigating impacts, the proposed action would not result in any long-term significant impacts to wetland habitat. In addition, floodplain connectivity would be improved to approximately 1,200 acres of land that is currently protected by a levee. 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 would not be expected to permanently change the bed contour or convert an area to a non-aquatic site. In the past, similar projects have not resulted in any permanent change in bed contours or resulted in area being converted to non-aquatic sites.

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 avoid, minimize, and mitigate unavoidable adverse impacts to aquatic resources while still meeting the project purpose. The proposed project would mitigate for adverse impacts to 202 acres of farmed wetlands by constructing earthen berms to create new wetlands and maintain suitable hydrology on existing farmed wetlands so that there would be no overall net loss of wetland habitat.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Whitney Wolf, Project Manager, U.S Army Corps of Engineers, Kansas City District, ATTN: Project Management Section, 601 East 12th Street, Kansas City, Missouri 64106, by email at whitney.k.wolf@usace.army.mil, or by telephone at (816)389-3315. 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 shallow water habitat. 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 the draft documents 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. The Draft Project Implementation Report with Integrated Environmental Assessment and Section 404(b)(1) Evaluation is available online at: http://www.nwk.usace.army.mil/Media/PublicNotices.aspx

The Corps has made a preliminary determination that the proposed project would not result in any significant impacts to 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 the evaluation of the project in compliance with the requirements of NEPA, Section 404 of the Clean Water Act, and other Federal, state, and local regulations. 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 as Appendix G in the Project Implementation Report with Integrated Environmental Assessment.

CULTURAL RESOURCES: An archeological background review of the project area was conducted that included an examination of the National Register of Historic Places on-line (NRHP); the Missouri Department of Natural Resources Archeological Viewer; shipwreck location maps (Chittenden 1897 and Trail 1858-1965); Lewis and Clark camp site maps, Missouri River channel location maps from 1803, 1879, 1894, 1954, and present; as well as pertinent Corps records. No archeological sites are mapped within or near the project area. Historic channel maps show that the proposed project area was entirely crossed by the historic river channel, so prehistoric or early historic archeological sites are unlikely to be present in the project area.

It was determined that 6 shipwrecks were in the vicinity of Cora Island. Because of this, the Corps contracted for a survey using a magnetometer. The magnetometer survey indicated an anomaly that could be a shipwreck in the location of one of the chutes. To avoid construction impacts to the possible shipwreck, the designed location was shifted 200 feet west of the anomaly. In addition, the portion of the chute nearest the anomaly would be armored to prevent post construction chute erosion from impacting the possible wreck.

After the above alignment changes the Corps' determination is that the proposed project would not impact any sites listed or eligible for listing in the National Register of Historic Places in the immediate project area. The Corps would forward these recommendations to the Missouri State Historic Preservation Officer (SHPO) for their concurrence. Even though a magnetometer survey covered the chute alternative, it is possible that unrecorded shipwrecks or other historic artifacts may be present in the area and encountered during construction. If an inadvertent discovery occurs, the Corps would coordinate the find with SHPO and the affiliated Native American Tribes. If this discovery were of Native American human remains, then Section 3 of the Native American Graves Protection and Repatriation Act (P.L. 101-601) would be followed. Should evidence of a historic shipwreck be exposed during construction it would be the Corps intent to avoid any project impacts by shifting the alignment of the chutes. As with any other inadvertent discovery of a historic property this would require additional coordination with the SHPO and potentially a revision of the National Environmental Policy Act evaluation and Section 404(b) (1) evaluation.

ENDANGERED SPECIES: The goal of the proposed action is to create habitat to benefit the federally endangered pallid sturgeon by meeting the requirements of the U.S. Fish and Wildlife Service's *2003 Amendment to the 2000 Biological Opinion 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* to avoid jeopardy to this species.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete an 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 who 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 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.

PUBLIC MEETING: The Corps has scheduled an open house Public Information Meeting on the Cora Island Missouri River Recovery Project. This meeting is scheduled on June 4, 2014 from 6:00-8:00 pm at The Audubon Center, 301 Riverlands Way, West Alton, Missouri 63386. 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 with Integrated Environmental Assessment.

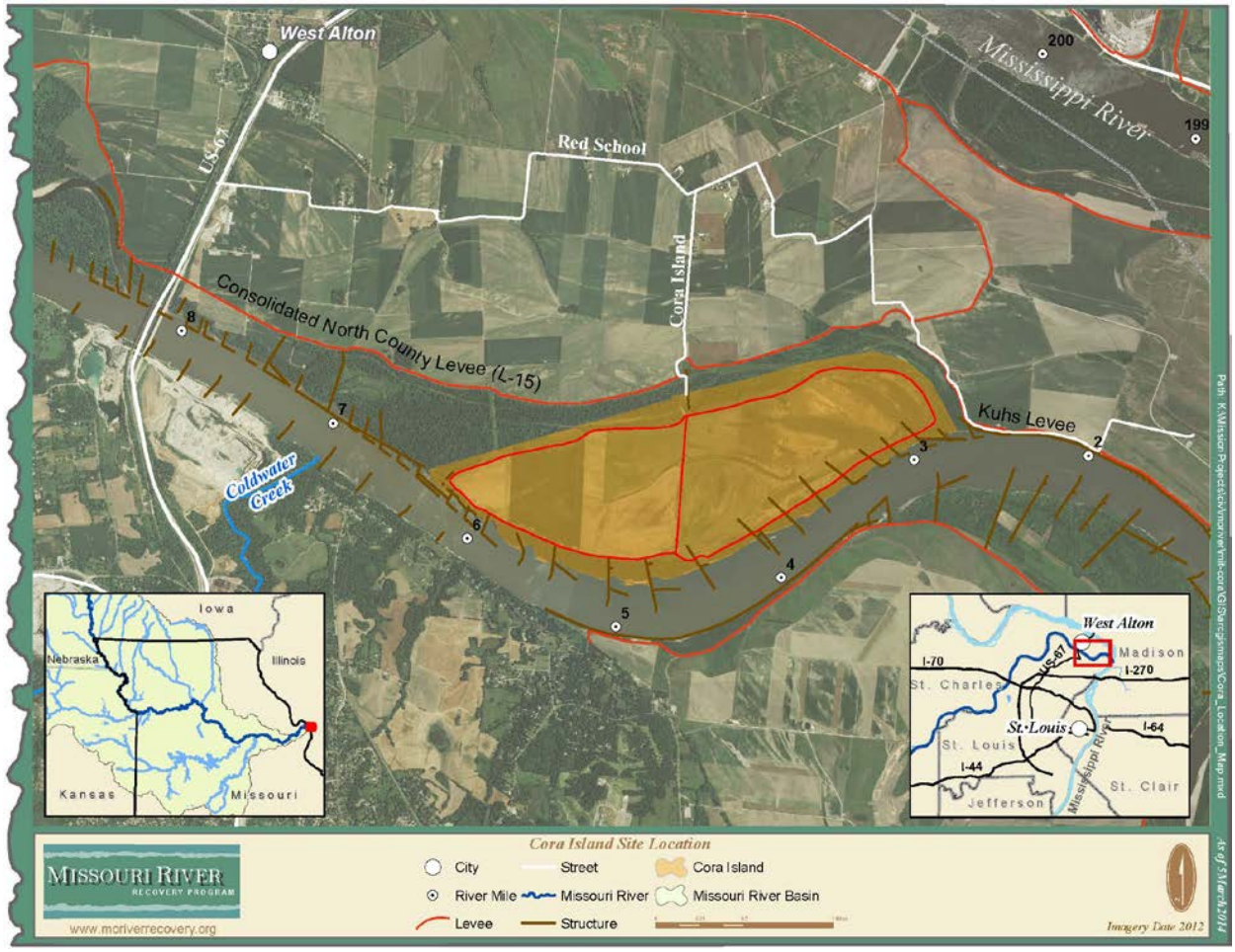

Figure 1: Cora Island, St. Charles County, Missouri.

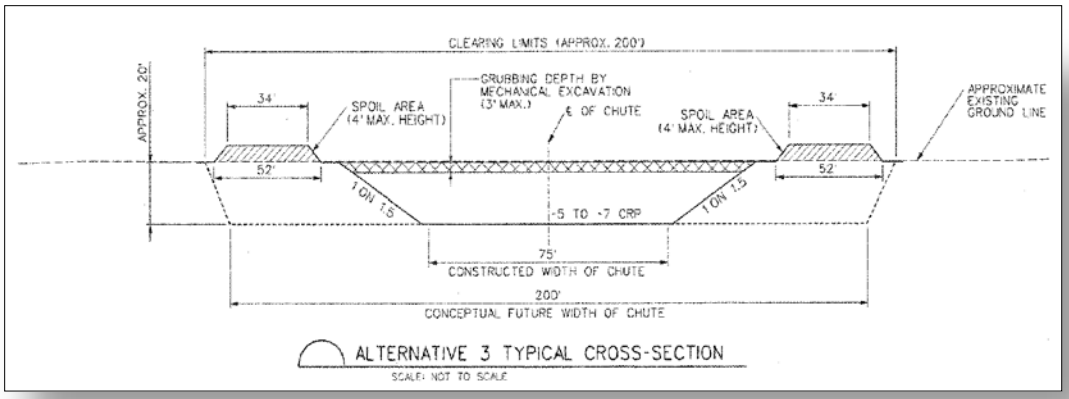

Figure 2: Typical cross section for proposed chute.

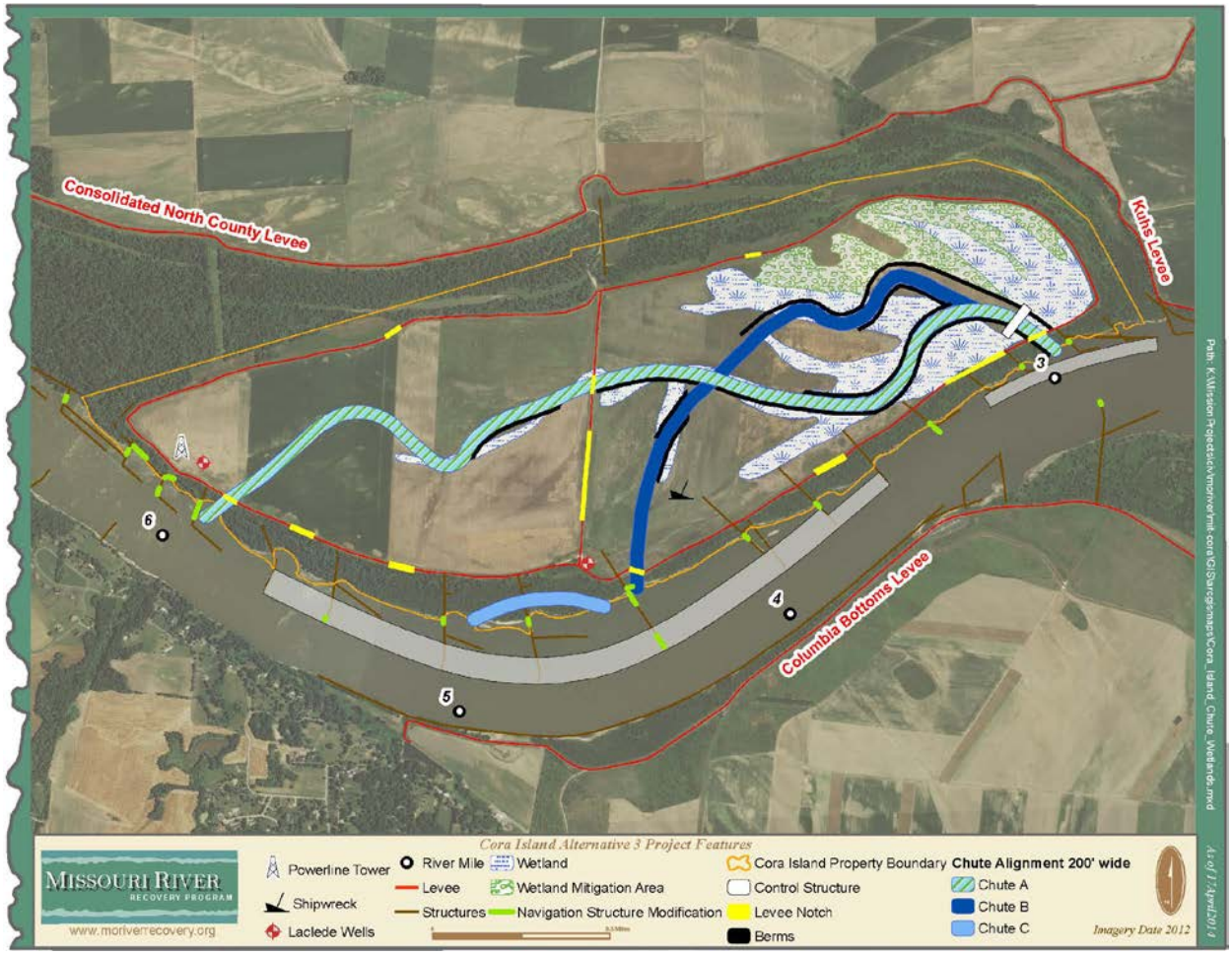

Figure 3: Features included in proposed action.