

# PUBLIC NOTICE



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

**Permit No. NWK-2020-00253  
Issue Date: March 27, 2020  
Expiration Date: April 17, 2020**

**21-Day Notice**

---

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection 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, Missouri 65102.

**APPLICANT:** Missouri Department of Transportation (MODOT)  
105 West Capitol Avenue  
Jefferson City, Missouri 65102

**PROJECT LOCATION** (As shown on the attached drawings): The project is located in wetlands within the Missouri River floodplain, in Section 12, Township 52 north, Range 36 west, Platte County, Missouri.

USGS QUAD: Leavenworth, Kansas  
Latitude: 39.33162 --- Longitude: -94.89583

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

**ACTIVITY** (As shown on the attached drawings): The proposed work involves the placement of fill materials within waters of the U.S. for the construction of a traffic roundabout at the intersection of Missouri Route 92 and Missouri Route 45 spur, MODOT project #4P3275. The purpose of the project, as stated by the applicant, is the result of a 2020 study that identified a need for intersection improvements due to increasing traffic volumes, to alleviate existing congestion during peak traffic periods and due to the past crash history at the existing intersection.

**WETLANDS/AQUATIC HABITAT:** The construction of the traffic roundabout, as currently designed, would require the placement of soil fill materials within approximately 3 acres of wetlands adjacent to Mud Lake. No jurisdictional determination for waters of the U.S at the project area has yet been completed. The acreage estimate for impacts of the project are based upon off-site methodology and a wetland delineation will be performed at the site prior to the issuance of a permit and construction.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:**

MODOT plans to avoid wetland impacts to the maximum extent practicable. The roadway fill slopes will not extend to the edge of right of way. Because of this, some wetlands within new ROW will not be permanently impacted. The minimum required roadway fill slopes will be constructed to meet MODOT and FHWA design standards. Wetlands areas that are not within construction limits will be labeled as DND. The roadway fills are designed to be the minimum necessary to construct the roundabout. Mitigation: MODOT will be providing mitigation for the unavoidable impacts to wetlands by debiting credits from MODOT Blue Springs Wetland Mitigation Bank in Jackson County Missouri at a 1.5:1 ratio.

**ADDITIONAL INFORMATION:** Additional information about this project may be obtained by contacting Brian Donahue at [Brian.T.Donahue@usace.army.mil](mailto:Brian.T.Donahue@usace.army.mil). All comments to this public notice should be emailed to the above address. Please reference permit application No. NWK-2020-00253 in all comments and/or inquiries relating to this project.

**CULTURAL RESOURCES:** The Missouri Department of Transportation, acting on behalf of the Federal Highway Administration, is the lead Federal agency responsible to ensure compliance of the project with Section 106 of the National Historic Preservation Act. MODOT consulted with the Missouri State Historic Preservation Office regarding the proposed project and received concurrence on January 27, 2020 that there will be no historic properties affected as a result of the project. However, we will evaluate any additional input regarding the project by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) 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:** The Missouri Department of Transportation, acting on behalf of the Federal Highway Administration, is the lead Federal agency responsible to ensure compliance of the project with the Endangered Species Act. A preliminary determination has been made by MODOT that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. The project was submitted to the U.S. Fish and Wildlife Service, (USFWS), Information for Planning and Conservation online screening tool on February 6, 2019 and updated on January 21, 2020 (Consultation Code: 03E14000-2019-SLI-0782). Gray bat, Indiana bat and Northern long-eared bat were screened for potential affect resulting from the proposed work. MODOT has made a "No effect" determination for gray bat and completed a programmatic consultation for the other bat species resulting in a "Not likely to adversely affect" determination in coordination with the USFWS.

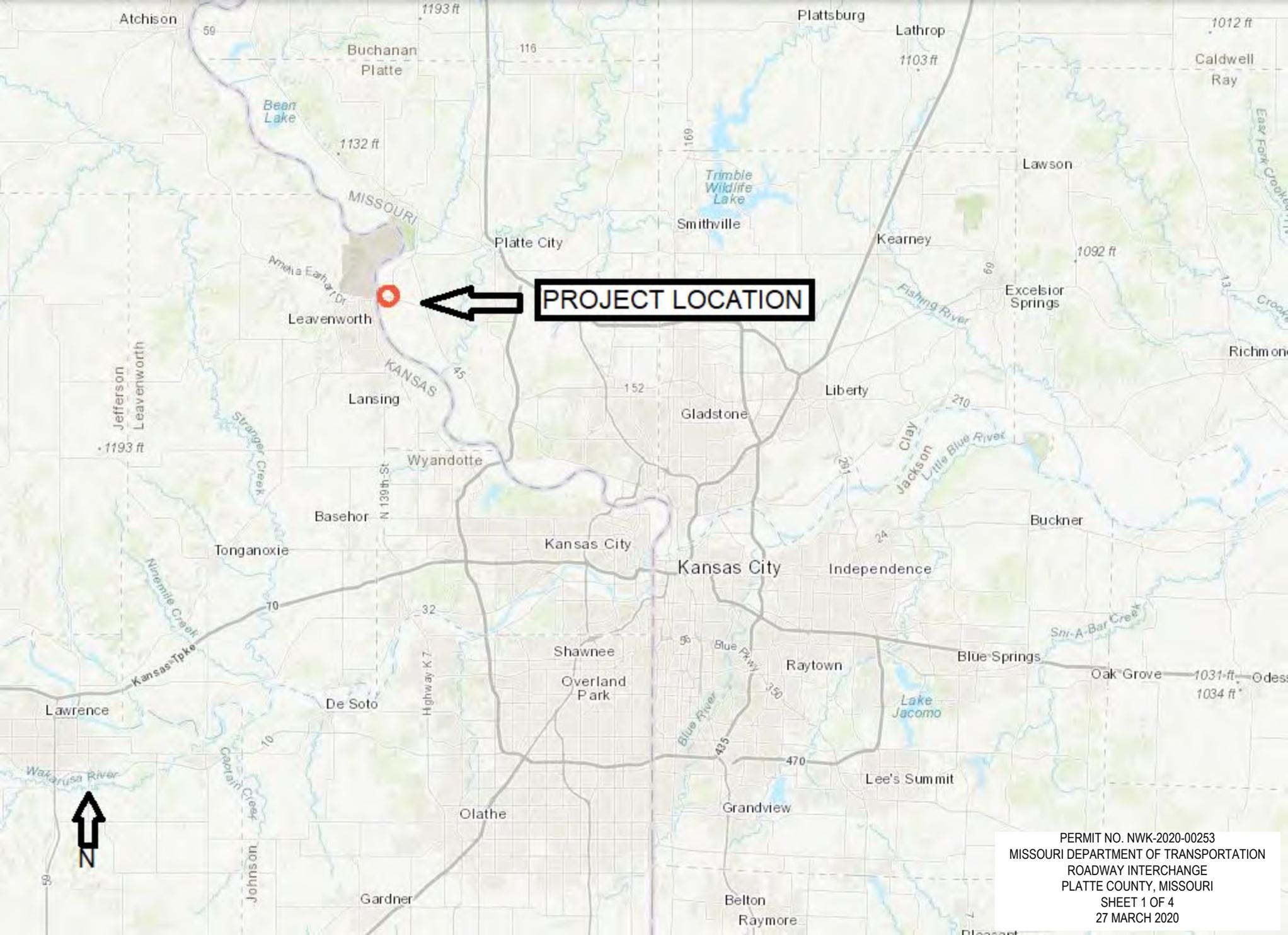
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies 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 emailed 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.



**PROJECT LOCATION**

PERMIT NO. NWK-2020-00253  
MISSOURI DEPARTMENT OF TRANSPORTATION  
ROADWAY INTERCHANGE  
PLATTE COUNTY, MISSOURI  
SHEET 1 OF 4  
27 MARCH 2020



**PROJECT  
LOCATION**

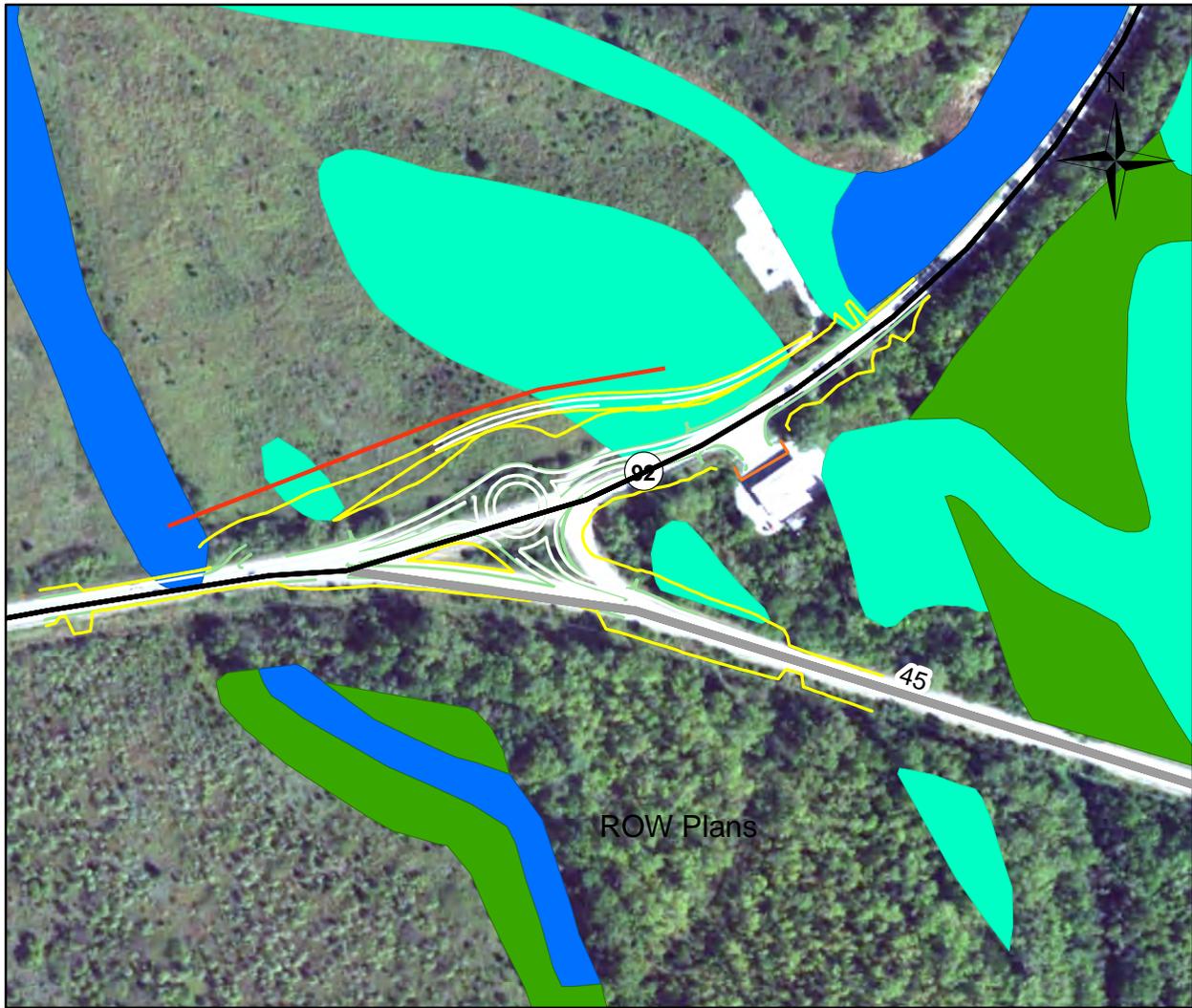


PERMIT NO. NWK-2020-00253  
MISSOURI DEPARTMENT OF TRANSPORTATION  
ROADWAY INTERCHANGE  
PLATTE COUNTY, MISSOURI  
SHEET 2 OF 4  
27 MARCH 2020



PERMIT NO. NWK-2020-00253  
MISSOURI DEPARTMENT OF TRANSPORTATION  
ROADWAY INTERCHANGE  
PLATTE COUNTY, MISSOURI  
SHEET 3 OF 4  
27 MARCH 2020





Platte MO Route 92 Roundabout  
 NWI Map and Impacts  
 Platte County Missouri



**Legend**

**ROW Plans**

- New Right of Way
- Edge of Pavement  
Curb and or Gutter
- Slope Limit
- Temporary Construction Easement
- Forested Wetland
- Emergent Wetland
- Scrub-Shrub Wetland
- Open Water (Ponds, Lakes, etc.)

PERMIT NO. NWK-2020-00253  
 MISSOURI DEPARTMENT OF TRANSPORTATION  
 ROADWAY INTERCHANGE  
 PLATTE COUNTY, MISSOURI  
 SHEET 4 OF 4  
 27 MARCH 2020