

PUBLIC NOTICE



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

**Permit No. NWK-2020-00225
Issue Date: May 14, 2020
Expiration Date: June 13, 2020**

30-Day Notice

**SUNFLOWER LAND TRUST IN-LIEU FEE PROGRAM
MILL CREEK IN-LIEU FEE SITE #1
STREAM RIPARIAN RESTORATION AND PRESERVATION PLAN
WABAUNSEE COUNTY, KANSAS**

This notice is to announce the proposed amendment of the Sunflower Land Trust (SLT) In-Lieu Fee (ILF) Program Instrument that was approved on January 10, 2018. The SLT requests the approval of the Mill Creek In-Lieu Fee Site #1 (Project). The Kansas City District, Corps of Engineers (Corps), Regulatory Branch requests comments from the public and from local, state, and Federal resource agencies on the proposed Project. If approved by the district engineer, in consultation with the Kansas Interagency Review Team (IRT), this Project will be used to replace lost aquatic resources that result from Department of the Army (DA) permits issued for the discharge of dredged or fill material into waters of the United States.

The plan, including location maps, design and performance standards, for this proposed mitigation project is available for review at:

<http://www.nwk.usace.army.mil/Media/Public-Notices/>.

Please feel free to review the Project plan and email any comments concerning this Project to Patrick Trier at patrick.h.trier@usace.army.mil. Please include the Corps project number NWK-2020-00225 in your comments.

ILF PROGRAM SPONSOR: Sunflower Land Trust
P.O. Box 8634
Wichita, Kansas 67208

PROJECT LOCATION (As shown on the attached drawings): The Project is located in Sections 27 and 28, Township 11 South, Range 11 East, Wabaunsee County, Kansas.

[USGS QUAD: McFarland]
(Latitude: 39.06015 --- Longitude: -96.18893)

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

ACTIVITY (As shown on the attached drawings): The Project would provide mitigation credits within the Kansas-Lower Republican Basin Service Area, as defined in the ILF Instrument. Mitigation objectives include forested buffer restoration of 1,975 linear feet of riparian area and

10,785 linear feet forested buffer preservation along the Mill Creek through tree planting and a conservation easement. Specific design, performance standards and objective details are further described in the complete Project Plan, posted on the Corps webpage at:

<http://www.nwk.usace.army.mil/Media/Public-Notices/>

WETLANDS/AQUATIC HABITAT: As proposed, no aquatic habitat will be impacted by this project.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Not applicable as no aquatic resources are planned to be lost or impacted.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Patrick Trier, Regulatory Project Manager at 816-389-3029 or by email at Patrick.H.Trier@usace.army.mil. All comments to this public notice should be emailed to the above address.

STATE AUTHORIZATION: The sponsor should contact the Kansas Department of Agriculture to determine if a state permit is required pursuant to Kansas Statutes Annotated 82-301 to 305a and 24-126.

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 properties proposed for listing are located within the permit area. This is the extent of our knowledge about historic properties within the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) 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 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.

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

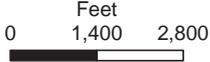
erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines 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 sponsor. 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. A request for a public hearing should be emailed to Patrick.H.Trier@usace.army.mil. Include the project number NWK-2020-00225 in your request.



**Mill Creek Mitigation Banking
Paxico, KS**



Legend

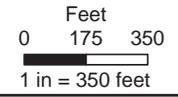
 Site Boundary

ALL BOUNDARIES AND LOCATIONS ARE APPROXIMATE

PERMIT NO. NWK-2020-00225
SUNFLOWER LAND TRUST
MILL CREEK IN-LIEU FEE SITE #1
WABAUNSEE COUNTY, KANSAS
SHEET 1 OF 4
14 MAY 2020



**Mill Creek Mitigation Banking
Paxico, KS**



Legend

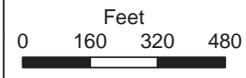
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SUNFLOWER LAND TRUST
MILL CREEK IN-LIEU FEE SITE #1
WABAUNSEE COUNTY, KANSAS
SHEET 2 OF 4
14 MAY 2020



**Mill Creek Mitigation Bank
Paxico, KS**



Legend

- Buffer Preservation
- Buffer Creation

ALL BOUNDARIES AND LOCATIONS ARE APPROXIMATE

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 SUNFLOWER LAND TRUST
 MILL CREEK IN-LIEU FEE SITE #1
 WABAUNSEE COUNTY, KANSAS
 SHEET 3 OF 4
 14 MAY 2020

