

PUBLIC NOTICE



US Army Corps of Engineers
Kansas City District

Project No. 2020-004-CW
Issue Date: July 27rd, 2020
Expiration Date: August 27rd, 2020

Environmental Assessment and Evaluation of Impacts of Easement Administration Actions on a Wetland Reserve Program (WRP) Easement for the Reconstruction and Realignment of a Non-Federal Flood Protection Levee under Public Law 84-99

INTRODUCTION: The U.S. Army Corps of Engineers, Kansas City District (USACE), has prepared a Draft Environmental Assessment (EA) and associated Finding of No Significant Impact (FONSI) in accordance with the National Environmental Policy Act (NEPA) of 1968, as amended, for the proposed Rushville Levee Unit Reconstruction and Realignment. The Draft EA was prepared to assess and document potential effects to the human and natural environment of the project's Recommended Plan. The USACE has made a preliminary determination that the proposed project would not result in significant degradation to the environment and therefore supports preparation of a Draft FONSI. The Draft EA, FONSI, and supporting information are provided with issuance of this Public Notice on 27 July 2020 to initiate the 30-day public review and comment period.

This Public Notice and project related information are being provided to solicit public input on the proposed action. Any interested party is invited to submit to this office written facts or objections relative to the proposed project, both favorable and unfavorable in nature. All comments will be accepted and made part of the public record. Copies of all comments, including names and addresses of commenters, may be provided to applicants upon request. The USACE will consider all pertinent comments in preparing final documentation for completion of the NEPA process through signature of the FONSI by the USACE Kansas City District Commander.

Interested parties are hereby notified that the U.S. Army Corps of Engineers seeks to reconstruct and realign a non-federal levee under Public Law 84-99, flood protection projects of the United States, as described below and shown on the attached maps. The realignment would cross a portion of a National Resource Conservation Service (NRCS) Wetland Reserve Program (WRP) easement.

CONTACT INFORMATION:

Additional information may be obtained by contacting Julie Adkins, Kansas City District, NEPA Specialist, Kansas City District, ATTN: Environmental Resources, Planning Branch, 601 East 12th Street, Kansas City, MO 64106-2896; or by email at Julie.M.Adkins@Usace.Army.Mil. All comments should be directed to the above information.

PROJECT LOCATION: The proposed project takes place in Platte County, Missouri, southwest of the city limits of Rushville, Missouri, along the Missouri River. The levee provides protection for land between approximate River Miles 418-428.

AUTHORITY: This assessment will be reviewed according to the provisions of Public Law 84-99, Rehabilitation Assistance for Non-Federal Flood Control Projects.

PROPOSED ACTION: The recommended course of action is in-place repair of the riverside and landside slope erosion of the levee. The project would repair crown erosion with placement of fill to bring the levee back to previous protection level and would repair the partial breach to restore the levee embankment to its original grades. The recommended repair for the full breach area is to set back the levee landside approximately 100 feet. This setback would cross through the WRP easement, resulting in approximately 3.5 acres of existing wetland being outside of the levee protected area. This action would require that the NRCS allows the proposed realignment of the levee through the WRP easement, and a new easement is acquired. All areas requiring in-place repair, additional fill, or sod damage would require seeding and mulching. Seeding and mulching would be done to repair sod damages.

WETLANDS: Many wetlands and other aquatic features, including ephemeral, intermittent, and perennial streams, are considered Waters of the U.S. by the USACE and deemed “jurisdictional” under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Approximately 3.5 acres of wetland would be displaced by the proposed action. The WRP easement would be amended to account for the levee setback. Mitigation is planned to replace the disturbed wetlands by constructing 9 acres of wetland. All wetland impacts occur on NRCS easement lands. NRCS WRP objectives include protecting, restoring, and enhancing wetlands for the “protection and enhancement of open space and aesthetic quality” (Title 440 Part 528.100 B. (v)). The NRCS completed an evaluation of the wetland impacts and proposed mitigation. The USACE accepts the NRCS evaluation, which is consistent with USACE guidance and policy.

WATER QUALITY: Water Quality was reviewed in accordance with guidance from the USACE and including considerations from the NRCS. WRP objectives include protecting, restoring, and enhancing wetlands for the protection and improvement of water quality and attenuation of floodwater. (Title 440 Part 528.100 B (ii) and (iii)). The proposed action would implement General Permit 41; Permanent Protection/Repair of Flood Damaged Structures, Damaged Lands and/or Fills. General Permit 41 authorizes the repair of levees to preexisting elevation. The project description of General Permit 41 is to excavate or place fill material for the permanent protection of and/or the repair of existing damaged structures, damaged land areas, and/or damaged fill areas, that are the result of the disaster event.

ENDANGERED SPECIES: USACE will comply with Section 7 of the Endangered Species Act and the Fish and Wildlife Coordination Act (FWCA). The Indiana bat and Northern Long-eared bat were listed as potentially present in the project area. The Pallid Sturgeon is listed as potentially present in the nearby Missouri River; however the project would not involve work in, or affect, the Missouri River. The USACE submitted a no affect determination of federally listed endangered species to the United States Fish and Wildlife Service (USFWS), as well as request for any comments pertaining to the FWCA. The USFWS concurred with the determination of no affect on Friday, July 10, 2020, and did not offer comments regarding the FWCA.

CULTURAL RESOURCES: USACE will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. An USACE Kansas City District archeologist provided the State Historic Preservation Officer (SHPO) with the analysis that the project was unlikely to affect historic properties. SHPO response is pending and will be included in the final Environmental Assessment. In addition, USACE will take into consideration any information from affiliated Native American tribes or the public on any sites or traditional cultural properties that may be of concern.

POTENTIAL IMPACTS: 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. The Draft EA includes evaluation of temporary and direct effects of the proposed project on the human and natural environment, as well as potential cumulative impacts resulting from other reasonably foreseeable projects within the study areas. All relevant cumulative factors were considered including conservation, economics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, water supply and conservation, water quality, food and fiber production, and, in general, the needs and welfare of the people.

PUBLIC HEARING: The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are taken into consideration in the 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 on the described work should reference the U.S. Army Corps of Engineers Public Notice Number shown above and must reach this office by the contact information listed above no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision.