

PUBLIC NOTICE



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

**Permit No. NWK-0-2211
Issue Date: July 27, 2020
Expiration Date: August 17, 2020**

21-Day Notice

NOTICE OF PROPOSED PERMIT MODIFICATION

This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment 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 Kansas Department of Health and Environment, Bureau of Water - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: City of Topeka, Kansas
3245 NW Waterworks Drive
Topeka, Kansas 66606

PROJECT LOCATION: (As shown on the attached drawings): In and adjacent to the Kansas River, Mile 87.0, Section 26, Township 11 South, Range 15 East, Shawnee County, in the City of Topeka, Kansas.

USGS 1:24,000 QUAD: Topeka
Latitude: 39.0727 --- Longitude: -95.7157

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

BACKGROUND: The U.S. Army Corps of Engineers issued a Department of the Army (DA) permit to the City of Topeka on January 29, 2018, authorizing the construction of modifications to an existing weir structure on the Kansas River. The authorized modifications included the construction of north channel navigation chute and fish passage structure through the existing weir; new bank protection structure; downstream energy dissipation structures; and the replacement of an existing downstream boat ramp. In addition, portions and/or remnants of existing jetties, rebar, riprap and other debris in the vicinity of the weir were authorized to be removed.

On May 28, 2019, the Corps approved a permit modification to relocate the north navigational chute and fish passage structure through the north bank.

PROPOSED MODIFICATION: The purpose and nature of the project remain the same; however, the design has changed and the primary modification would: 1) relocate the boat chute and fish passage structure through the weir similar to the original design location authorized on January 29, 2018; and 2) restore a channel (approximately 3,150-foot long) through existing sand bar with dredged material being placed within the river along the dredged channel.

WETLANDS/AQUATIC HABITAT: The project would result in the excavation and discharge of dredged and fill material below the ordinary high water mark of the Kansas River. Work would occur within approximately 3,150 linear feet of Kansas River. No wetlands would be affected.

MITIGATION STATEMENT: The project is designed to improve public safety and enable fish passage. Compensatory mitigation is not proposed.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Matt Mikulecky, U.S. Army Corps of Engineers, Kanopolis Regulatory Office, 107 Riverside Drive, Marquette, Kansas 67464 at (816) 389-3027 or email: matthew.j.mikulecky@usace.army.mil. All comments to this public notice should be directed to the above email address.

STATE AUTHORIZATION: The applicant will contact the Kansas Department of Agriculture for permit requirements, if any, pursuant to Kansas Statutes Annotated 82a-301 to 305a.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have evaluated the proposal for potential effects to Historic Properties and have made a preliminary determination that the proposed modification would have no effect on listed or eligible sites and/or resources. However, we will evaluate input by the SHPO, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice.

ENDANGERED SPECIES: Kansas City District is evaluating the proposal for compliance with the Endangered Species Act and comments are solicited from the U.S. Fish and Wildlife Service. Any comments concerning potential effects to threatened and endangered species will be taken into consideration.

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 (WQC): 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. The Kansas Department of Health and Environment (KDHE) issued Section 401 WQC for the original project design on November 21, 2017. This public notice serves as an application to the KDHE for recertification/reevaluation of the proposed modification. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

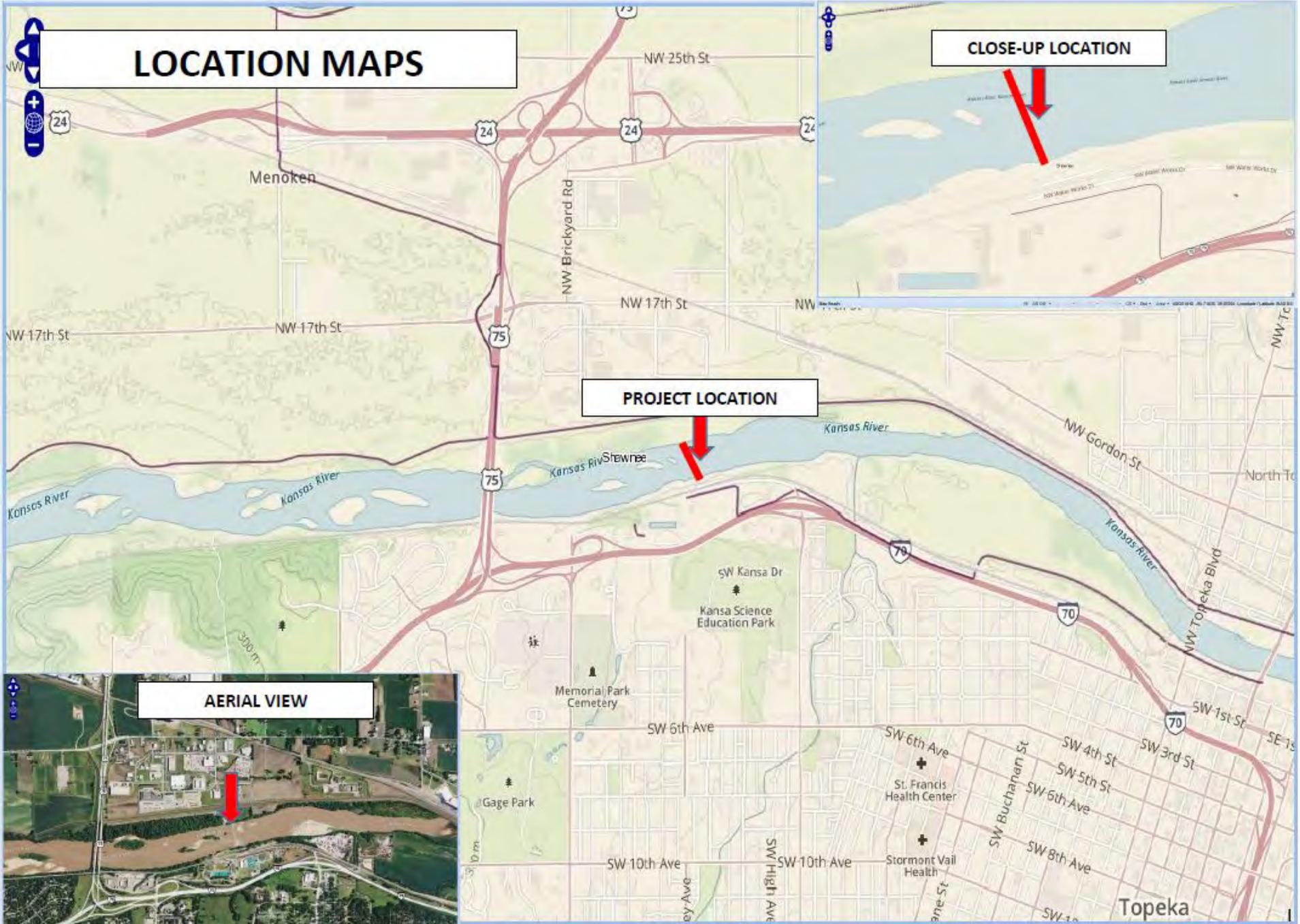
PUBLIC INTEREST REVIEW: The decision to modify the permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on

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.

LOCATION MAPS



USGS NHD -95.71553, 39.04839 Longitude / Latitude (NAD 83)

PERMIT NO. NWK-0-2211
CITY OF TOPEKA
WEIR MODIFICATIONS
KANSAS RIVER
SHAWNEE COUNTY, KANSAS
SHEET 1 OF 5
27 JULY 2020



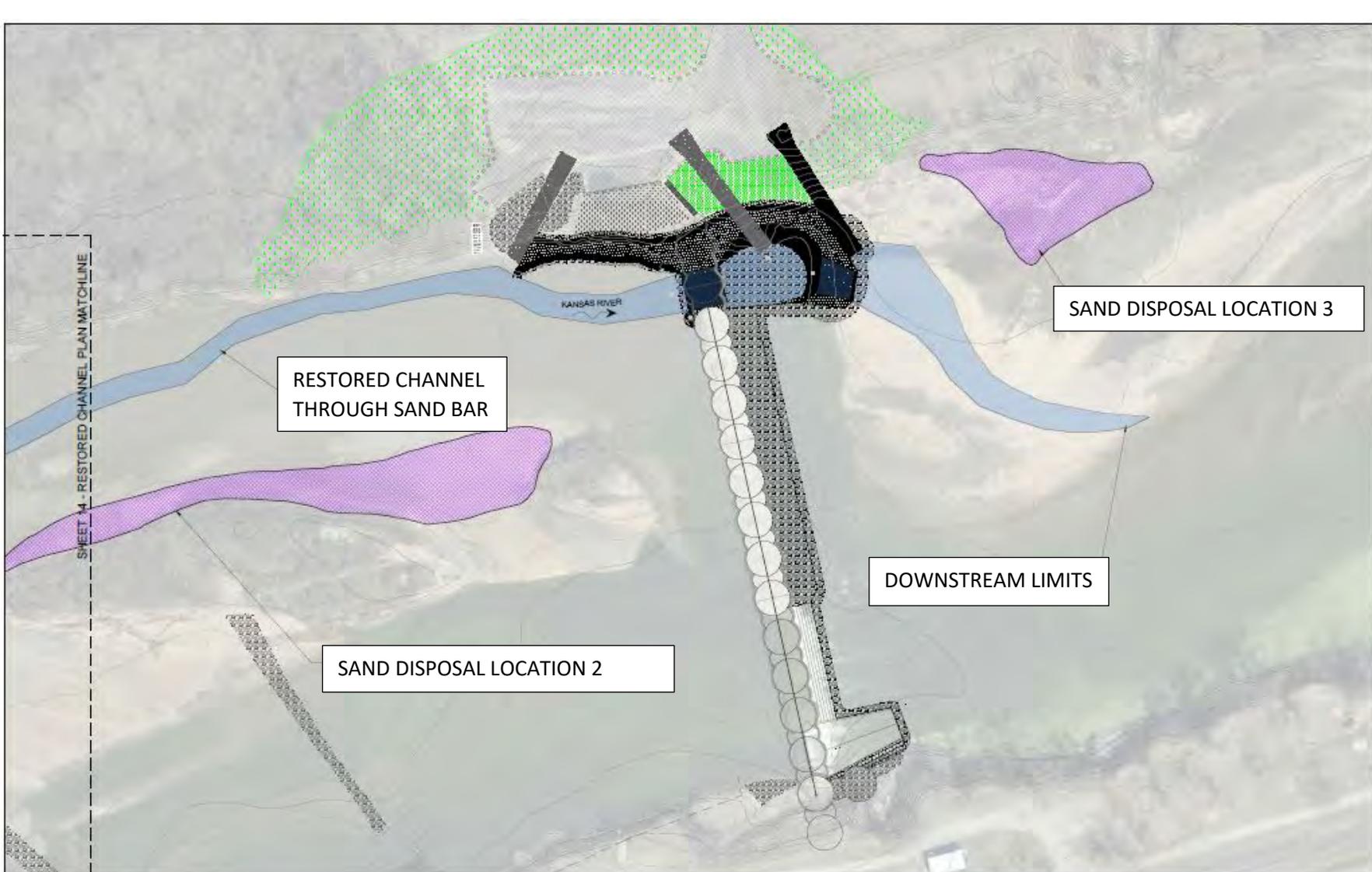
SHEET 15 - RESTORED CHANNEL PLAN (2) MATCHLINE

RESTORED CHANNEL & DISPOSAL PLAN VIEW



- NOTES:
1. ALL RIVERBED MATERIAL TO REMAIN IN THE BED AND BANKS OF THE KANSAS RIVER. NO DREDGED MATERIAL TO BE REMOVED.
 2. A MINIMUM OF 120FT SHALL BE MAINTAINED BETWEEN CHANNEL RESTORATION EXTENTS AND MATERIAL PLACEMENT AREAS.

EXTENTS SHOWN ARE CONCEPTUAL. ACTUAL EXTENTS TO BE DETERMINED BY ENGINEER AFTER 2020 HIGH FLOODS.

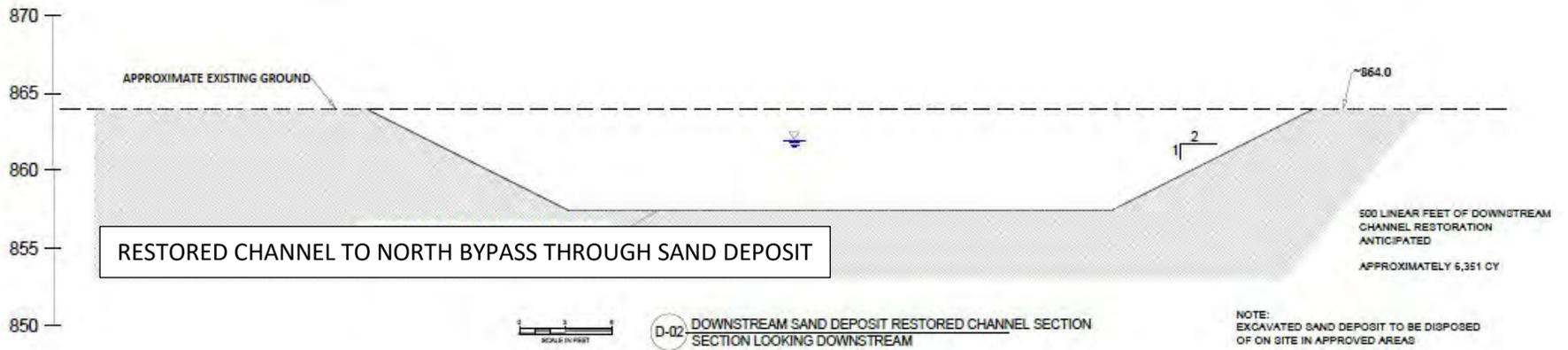
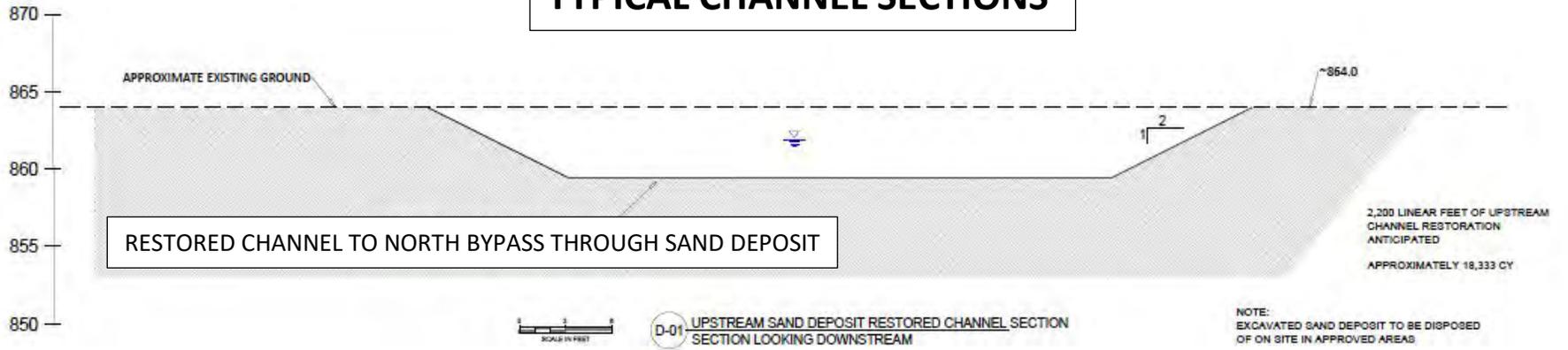


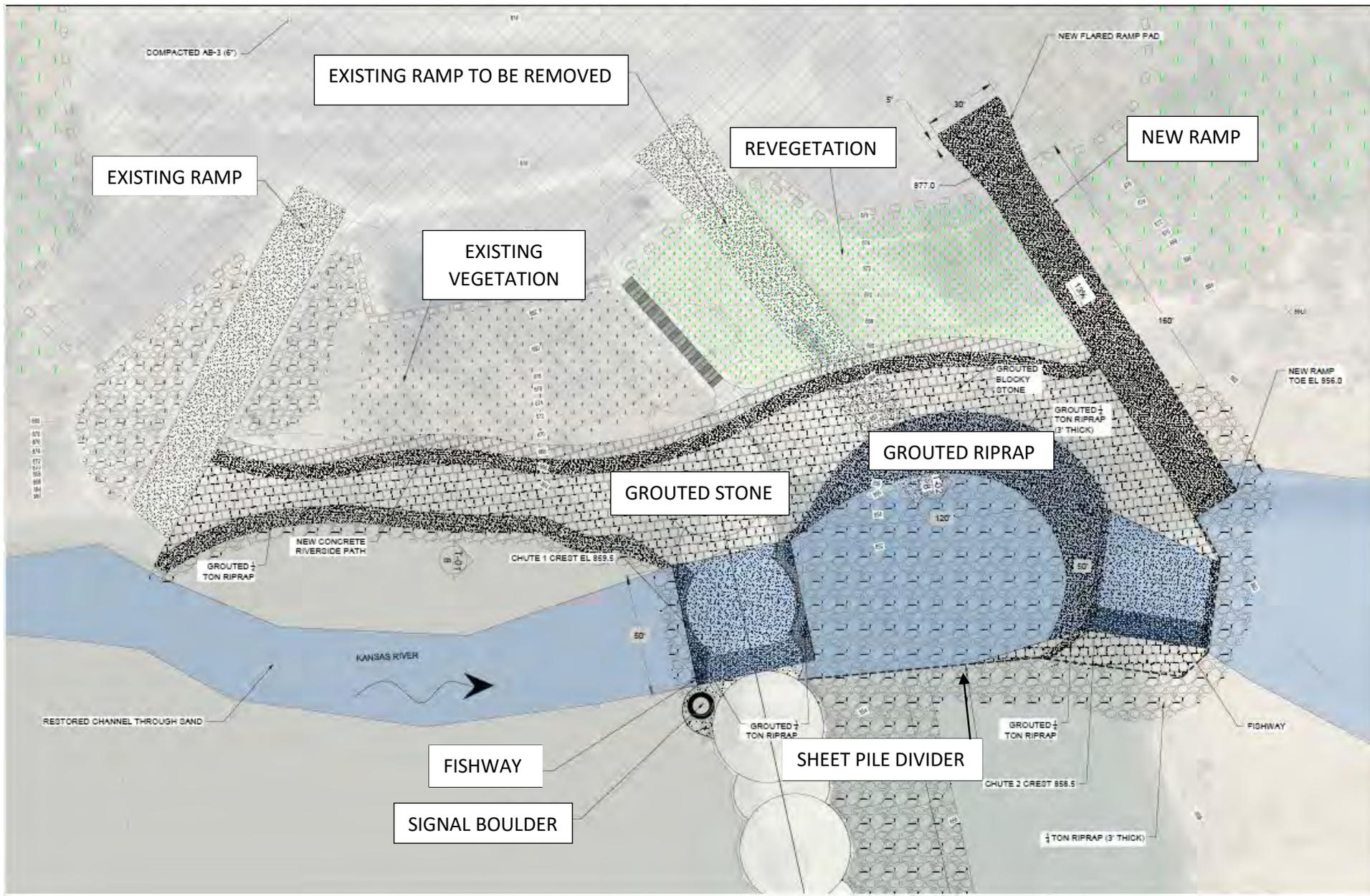
RESTORED CHANNEL AND NORTH CHUTE AND FISH PASSAGE
PLAN VIEW



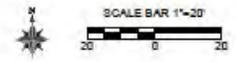
NOTES:
 1. ALL RIVERBED MATERIAL TO REMAIN IN THE BED AND BANKS OF THE KANSAS RIVER. NO DREDGED MATERIAL TO BE REMOVED.
 2. A MINIMUM OF 100FT SHALL BE MAINTAINED BETWEEN CHANNEL RESTORATION EXTENTS AND MATERIAL PLACEMENT AREAS.
 EXTENTS SHOWN ARE CONCEPTUAL. ACTUAL EXTENTS TO BE DETERMINED BY ENGINEER AFTER 2020 HIGH FLOWS.

TYPICAL CHANNEL SECTIONS





BOAT CHUTE AND FISH PASSAGE PLAN VIEW



PERMIT NO. NWK-0-2211
 CITY OF TOPEKA
 WEIR MODIFICATIONS
 KANSAS RIVER
 SHAWNEE COUNTY, KANSAS
 SHEET 5 OF 5
 27 JULY 2020