

# PUBLIC NOTICE



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

**Permit No. NWK-2020-00644  
Issue Date: August 19, 2020  
Expiration Date: September 9, 2020**

**21-Day Notice**

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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 Environmental Field Services - - Watershed Management Section, 1000 SW Jackson Street, Suite 430, Topeka, Kansas 66612-1367.

**APPLICANTS:** Robert and Tonya Hudson                      Judith Moore Trust  
2833 Allen Road    3840 Ironwood Lane, 505H  
Holton, Kansas 66436    Bradenton, FL 34209

**PROJECT LOCATION** (As shown on the attached drawings): The project site is located within Section 5, Township 7 south, Range 17 east, Atchison County, Kansas. This location is approximately 1½ miles north and 1/3 mile east from the intersection of Highway 116 and Anderson Road, in Arrington, Kansas.

Latitude: 39.47436 --- Longitude: -95.54744

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

**ACTIVITY** (As shown on the attached drawings): The applicants propose to place fill within the Delaware River for the purpose of bank erosion protection, stabilization and riparian restoration. As designed, the proposed work would take place along a total of 1,171 linear feet of the river. The proposed fill materials consist of an estimated 1462 cubic yards of rock and 1764 cubic yards of wooden/soil toe revetment structures. A total of 11 rock vane structures, ranging from 15-50 feet long, would be anchored into the stream bank along the entire length of the project. The 6-layer combination wood and soil fill toe revetment structures, (Crib structures) would extend along approximately 508 linear feet of the upstream extent of proposed bank protection. A total of 504 linear feet of longitudinal peaked stone toe (LPSTP) rock vane would be constructed and keyed into the lower portion of the bank line along the middle extent of the project site, transitioning from the upstream wooden toe revetments. In addition, the existing bank of the river at this location will be graded, resulting in the movement of approximately 17,135 cubic yards of existing soils being relocated along the bank to create an approximate 3:1 slope and accommodate the new structures and riparian features of the project.

All exposed bare soil slopes will be mulched and seeded with an approved seed mix. A 36" diameter culvert pipe with a rock outlet blanket will be used to convey drainage from the adjacent agricultural field and outlet on the LPSTP at station 2+04 as shown on the attached drawings.

**WETLANDS/AQUATIC HABITAT:** The waters of the United States affected by the proposed work include 1,171 linear feet, (0.3 acres) of the river/riverbank area of the Delaware River.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The proposed structures are designed to have minimal negative affect upon channel morphology and surrounding aquatic habitat. The design incorporates a bank-full bench to help reduce shear stress along the affected bank. In addition, 250 bare-root seedlings are proposed to be planted on the upper slope of the riverbank and 600 willow poles will be planted near the base of the affected riverbank to help provide long-term bank stabilization. The top of the modified bank will incorporate a 60-foot-wide riparian buffer strip planted with woody trees and shrubs.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained or comments made by contacting Mr. Brian Donahue, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12<sup>th</sup> Street, Room 402, Kansas City, Missouri 64106. In addition, you may contact him by telephone at: 816-389-3703, or by email at: [brian.t.donahue@usace.army.mil](mailto:brian.t.donahue@usace.army.mil). All comments to this public notice should be directed to the above email address.

**STATE AUTHORIZATION:** The applicants have applied for a permit from the Kansas Department of Agriculture, (Reference ECA Notice # 2020258), dated August 12, 2020, pursuant to Kansas Statutes Annotated 82-301 to 305a and 24-126. The project is being funded and sponsored by the Kansas Department of Agriculture, Division of Conservation.

**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 proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in 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, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

**ENDANGERED 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 our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

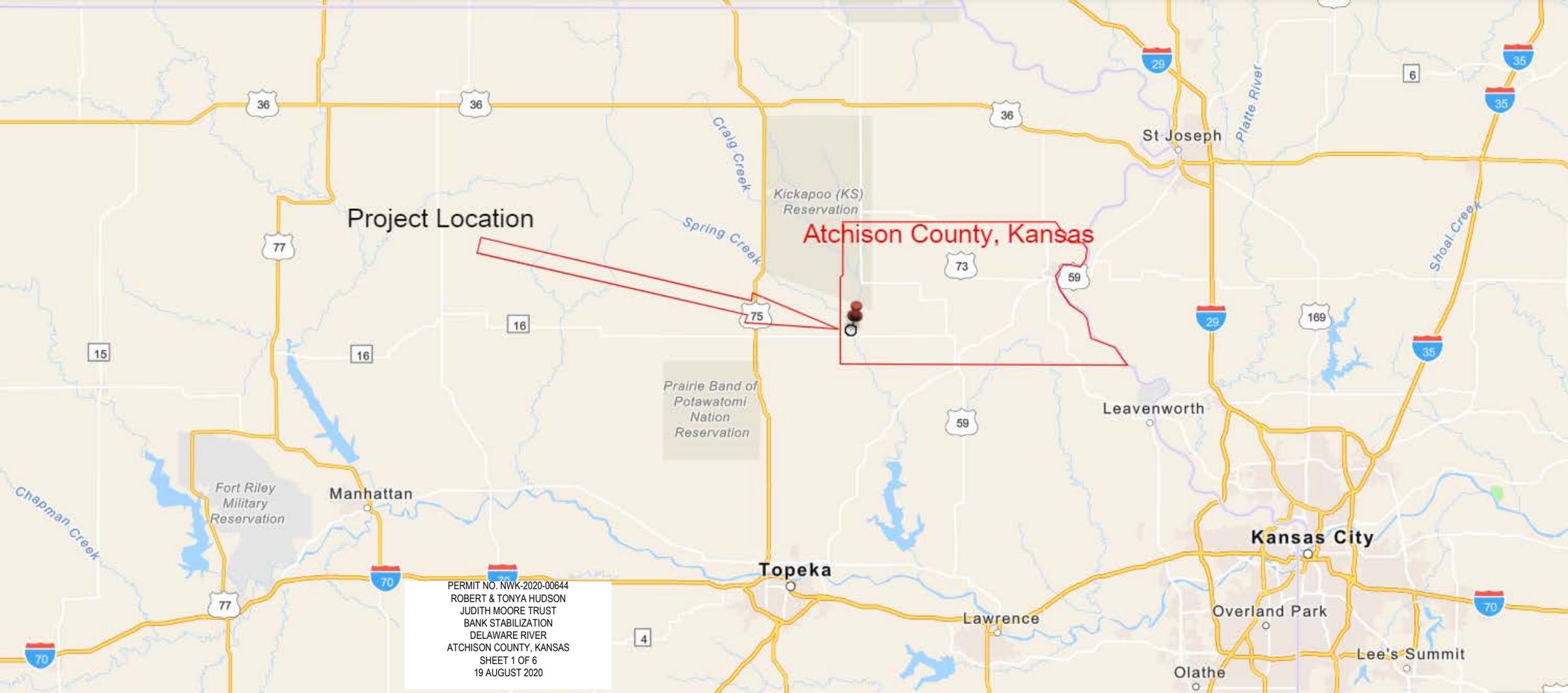
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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

**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.

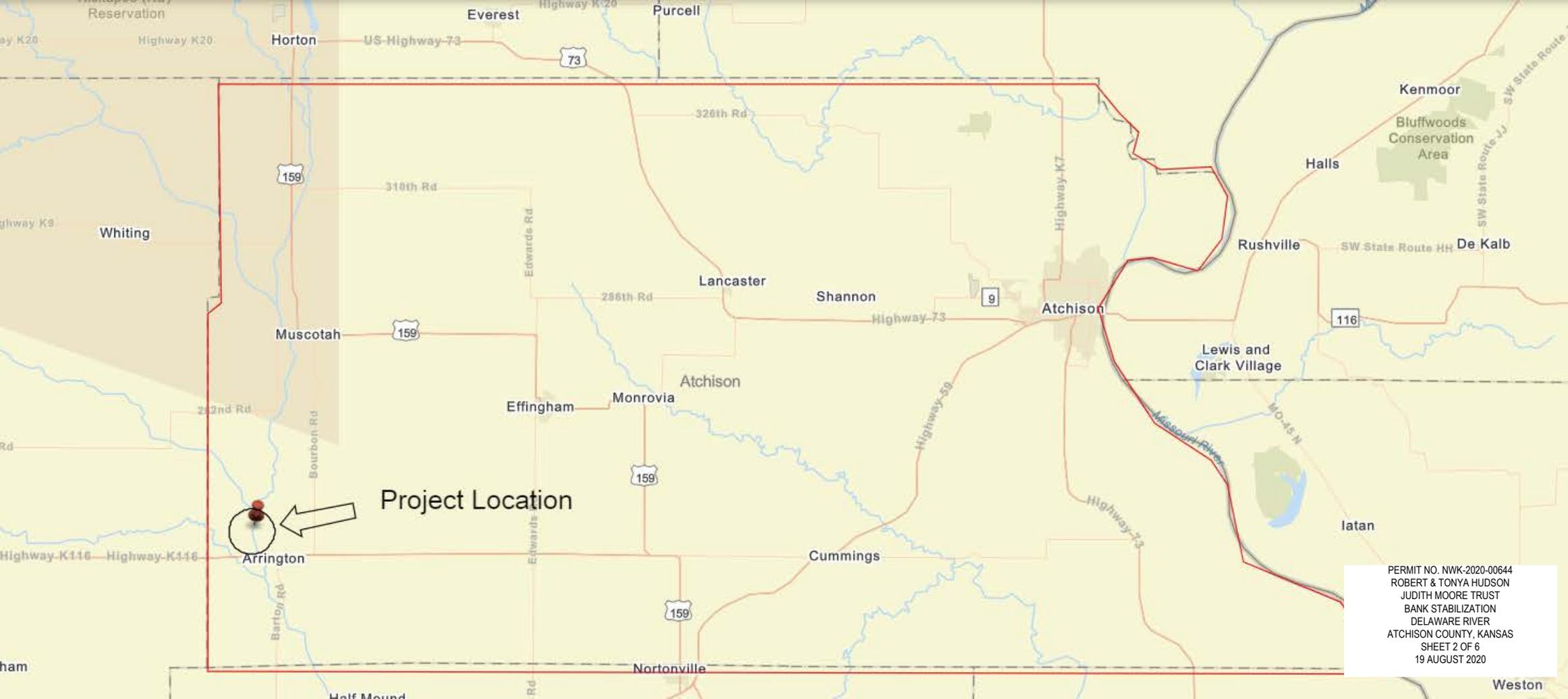
**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



Project Location

Atchison County, Kansas

PERMIT NO. NWK-2020-00644  
ROBERT & TONYA HUDSON  
JUDITH MOORE TRUST  
BANK STABILIZATION  
DELAWARE RIVER  
ATCHISON COUNTY, KANSAS  
SHEET 1 OF 6  
19 AUGUST 2020



Project Location

PERMIT NO. NWK-2020-00644  
ROBERT & TONYA HUDSON  
JUDITH MOORE TRUST  
BANK STABILIZATION  
DELAWARE RIVER  
ATCHISON COUNTY, KANSAS  
SHEET 2 OF 6  
19 AUGUST 2020

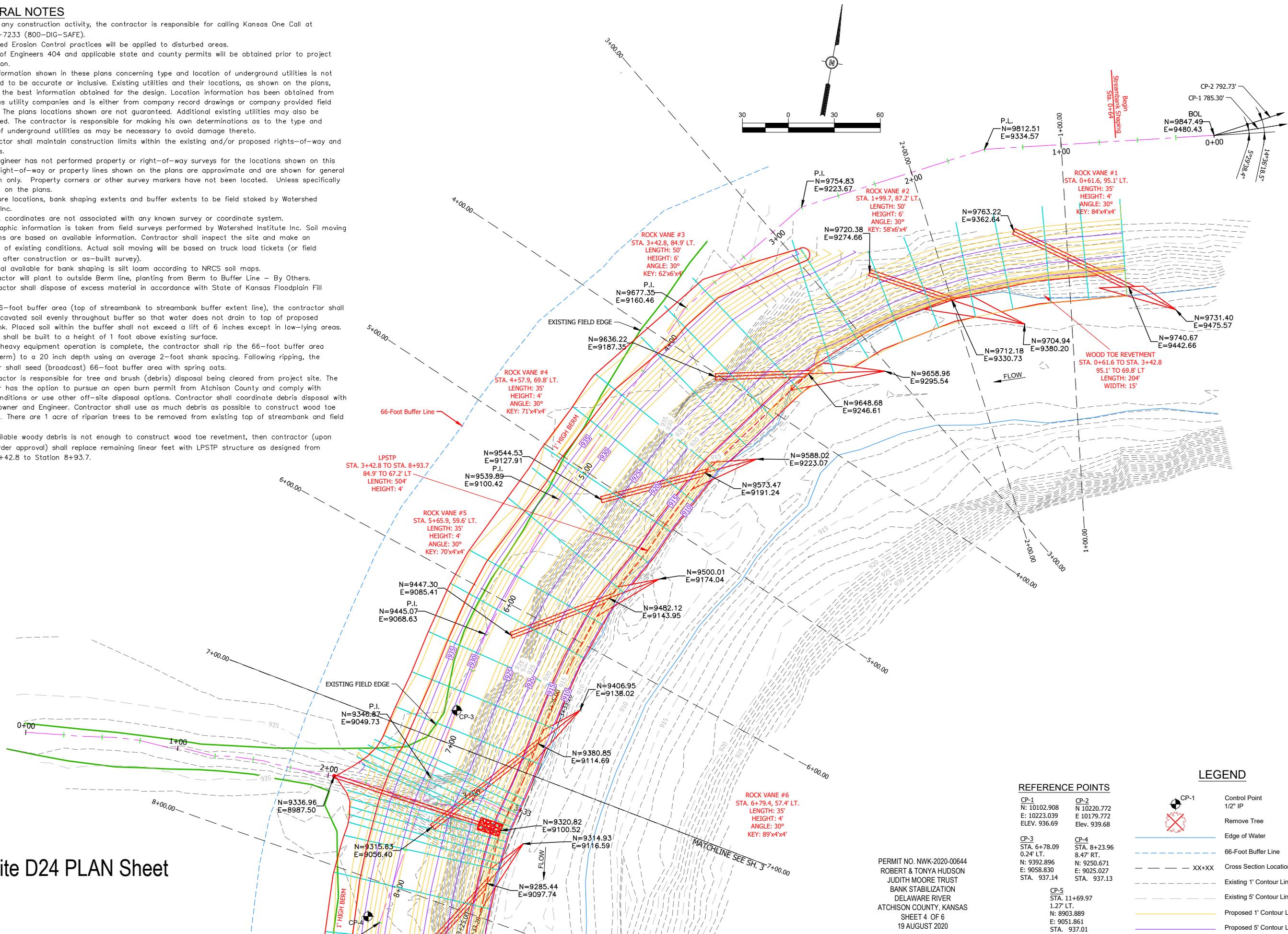


**Approximate location of  
bank stabilization activities**

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BANK STABILIZATION  
DELAWARE RIVER  
ATCHISON COUNTY, KANSAS  
SHEET 3 OF 6  
19 AUGUST 2020

**GENERAL NOTES**

1. Before any construction activity, the contractor is responsible for calling Kansas One Call at 800-344-7233 (800-DIG-SAFE).
2. Accepted Erosion Control practices will be applied to disturbed areas.
3. Corps of Engineers 404 and applicable state and county permits will be obtained prior to project construction.
4. The information shown in these plans concerning type and location of underground utilities is not guaranteed to be accurate or inclusive. Existing utilities and their locations, as shown on the plans, represent the best information obtained for the design. Location information has been obtained from the various utility companies and is either from company record drawings or company provided field locations. The plans locations shown are not guaranteed. Additional existing utilities may also be encountered. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto.
5. Contractor shall maintain construction limits within the existing and/or proposed rights-of-way and easements.
6. The engineer has not performed property or right-of-way surveys for the locations shown on this project. Right-of-way or property lines shown on the plans are approximate and are shown for general orientation only. Property corners or other survey markers have not been located. Unless specifically called out on the plans.
7. Structure locations, bank shaping extents and buffer extents to be field staked by Watershed Institute, Inc.
8. Project coordinates are not associated with any known survey or coordinate system.
9. Topographic information is taken from field surveys performed by Watershed Institute Inc. Soil moving calculations are based on available information. Contractor shall inspect the site and make an evaluation of existing conditions. Actual soil moving will be based on truck load tickets (or field measured after construction or as-built survey).
10. Material available for bank shaping is silt loam according to NRCS soil maps.
11. Contractor will plant to outside Berm line, planting from Berm to Buffer Line - By Others.
12. Contractor shall dispose of excess material in accordance with State of Kansas Floodplain Fill Statutes.
13. For 66-foot buffer area (top of streambank to streambank buffer extent line), the contractor shall spread excavated soil evenly throughout buffer so that water does not drain to top of proposed streambank. Placed soil within the buffer shall not exceed a lift of 6 inches except in low-lying areas. The berm shall be built to a height of 1 foot above existing surface.
14. Once heavy equipment operation is complete, the contractor shall rip the 66-foot buffer area (except berm) to a 20 inch depth using an average 2-foot shank spacing. Following ripping, the contractor shall seed (broadcast) 66-foot buffer area with spring oats.
15. Contractor is responsible for tree and brush (debris) disposal being cleared from project site. The contractor has the option to pursue an open burn permit from Atchison County and comply with permit conditions or use other off-site disposal options. Contractor shall coordinate debris disposal with property owner and Engineer. Contractor shall use as much debris as possible to construct wood toe revetment. There are 1 acre of riparian trees to be removed from existing top of streambank and field edge.
16. If available woody debris is not enough to construct wood toe revetment, then contractor (upon change order approval) shall replace remaining linear feet with LPSTP structure as designed from Station 3+42.8 to Station 8+93.7.



**Site D24 PLAN Sheet**

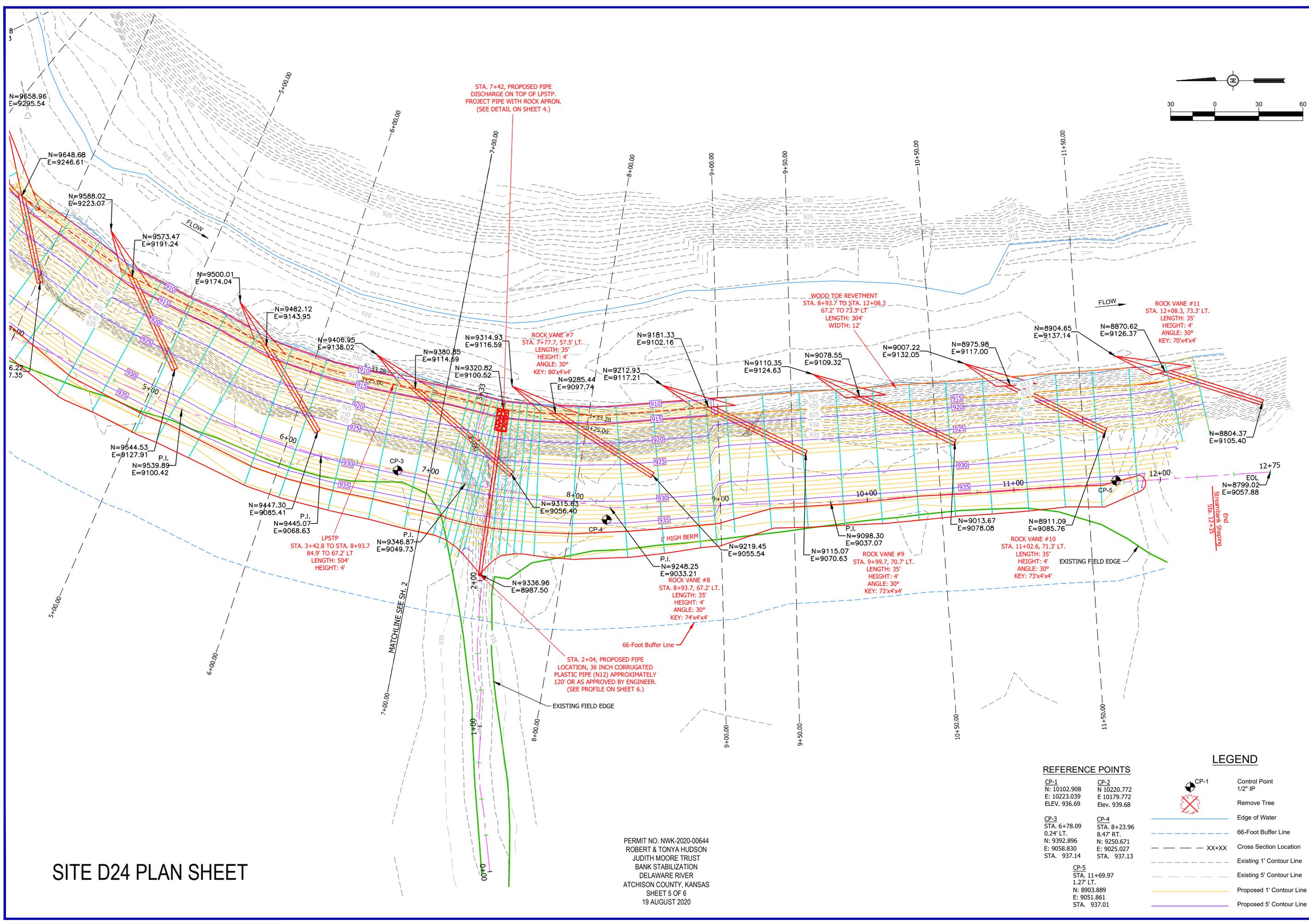
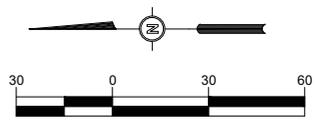
PERMIT NO. NWK-2020-00644  
 ROBERT & TONYA HUDSON  
 JUDITH MOORE TRUST  
 BANK STABILIZATION  
 DELAWARE RIVER  
 ATCHISON COUNTY, KANSAS  
 SHEET 4 OF 6  
 19 AUGUST 2020

**REFERENCE POINTS**

CP-1 N: 10102.908 E: 10223.039 ELEV. 936.69	CP-2 N: 10220.772 E: 10179.772 Elev. 939.68
CP-3 STA. 6+78.09 0.24' LT. N: 9392.896 E: 9058.830 STA. 937.14	CP-4 STA. 8+23.96 8.47' RT. N: 9250.671 E: 9025.027 STA. 937.13
CP-5 STA. 11+69.97 1.27' LT. N: 8903.889 E: 9051.861 STA. 937.01	

**LEGEND**

	CP-1	Control Point 1/2" IP
		Remove Tree
		Edge of Water
		66-Foot Buffer Line
	XX+XX	Cross Section Location
		Existing 1' Contour Line
		Existing 5' Contour Line
		Proposed 1' Contour Line
		Proposed 5' Contour Line



STA. 7+42, PROPOSED PIPE DISCHARGE ON TOP OF LPSTP. PROJECT PIPE WITH ROCK APRON. (SEE DETAIL ON SHEET 4.)

WOOD TOE REVETMENT STA. 8+93.7 TO STA. 12+08.3 67.2' TO 73.3'-LT LENGTH: 304' WIDTH: 12'

ROCK VANE #11 STA. 12+08.3, 73.3' LT. LENGTH: 35' HEIGHT: 4' ANGLE: 30° KEY: 70'x4'x4'

ROCK VANE #7 STA. 7+77.7, 57.5' LT. LENGTH: 35' HEIGHT: 4' ANGLE: 30° KEY: 80'x4'x4'

LPSTP STA. 3+42.8 TO STA. 8+93.7 84.9' TO 67.2' LT LENGTH: 504' HEIGHT: 4'

ROCK VANE #8 STA. 8+93.7, 67.2' LT. LENGTH: 35' HEIGHT: 4' ANGLE: 30° KEY: 74'x4'x4'

ROCK VANE #9 STA. 9+99.7, 70.7' LT. LENGTH: 35' HEIGHT: 4' ANGLE: 30° KEY: 73'x4'x4'

ROCK VANE #10 STA. 11+02.6, 71.3' LT. LENGTH: 35' HEIGHT: 4' ANGLE: 30° KEY: 73'x4'x4'

STA. 2+04, PROPOSED PIPE LOCATION, 36 INCH CORRUGATED PLASTIC PIPE (N12) APPROXIMATELY 120' OR AS APPROVED BY ENGINEER. (SEE PROFILE ON SHEET 6.)

MATCHLINE SEE SH. 2

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 SHEET 5 OF 6  
 19 AUGUST 2020

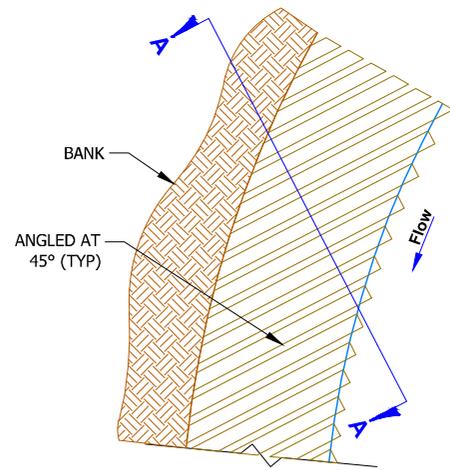
# SITE D24 PLAN SHEET

## REFERENCE POINTS

CP-1 N: 10102.908 E: 10223.039 ELEV. 936.69	CP-2 N: 10220.772 E: 10179.772 Elev. 939.68
CP-3 STA. 6+78.09 0.24' LT. N: 9392.896 E: 9058.830 STA. 937.14	CP-4 STA. 8+23.96 8.47' RT. N: 9250.671 E: 9025.027 STA. 937.13
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## LEGEND

- CP-1 Control Point
- 1/2" IP
- Remove Tree
- Edge of Water
- 66-Foot Buffer Line
- XX+XX Cross Section Location
- Existing 1' Contour Line
- Existing 5' Contour Line
- Proposed 1' Contour Line
- Proposed 5' Contour Line

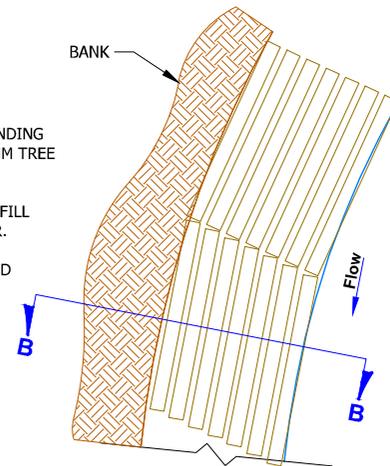


**1ST, 3RD, 5TH  
WOOD TOE LAYER  
PLAN**

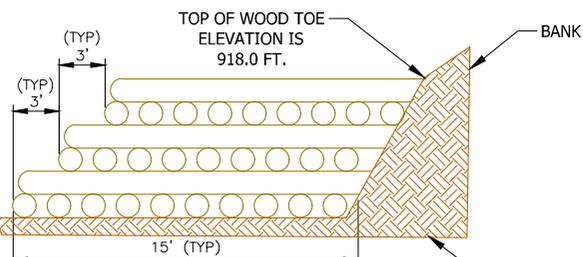
NUMBER OF TREES WILL VARY DEPENDING ON DIAMETER AND LENGTH. MINIMUM TREE DIAMETER IS 12-INCHES.

USE SOIL AND SMALL BRANCHES TO FILL VOIDS BEFORE PLACING NEXT LAYER.

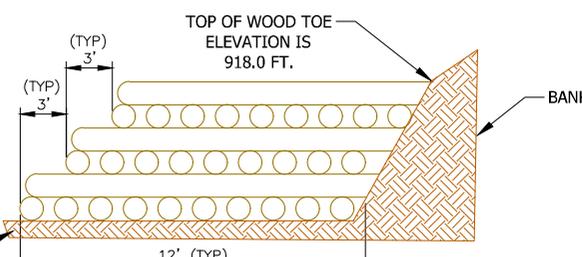
PLACE 6-INCHES OF SOIL ON TOP AND VEGETATE.



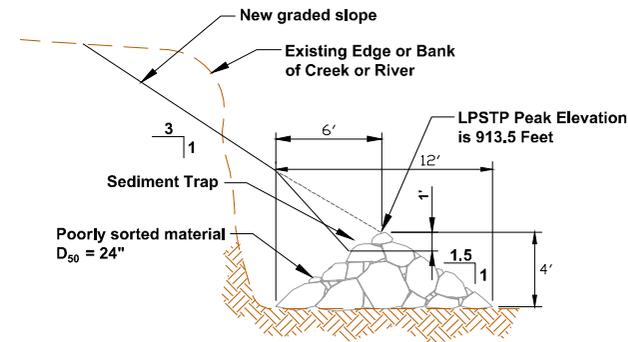
**2ND, 4TH, 6TH  
WOOD TOE LAYER  
PLAN**



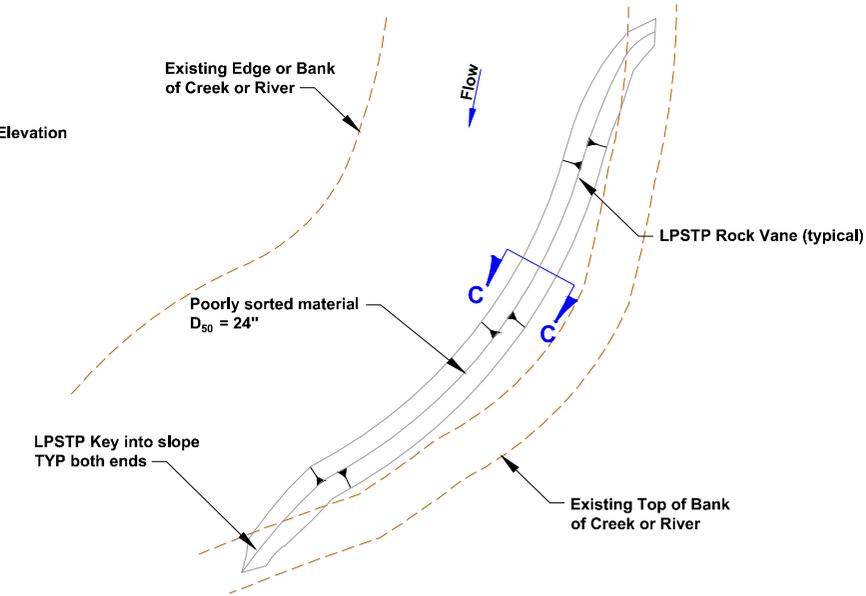
**15 FOOT WOOD TOE SECTION  
SECTION A - A**



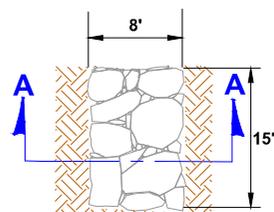
**12 FOOT WOOD TOE SECTION  
SECTION B - B**



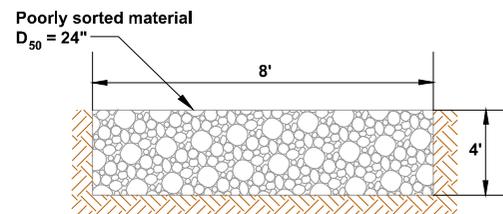
**LPSTP 2 CROSS SECTION C-C**



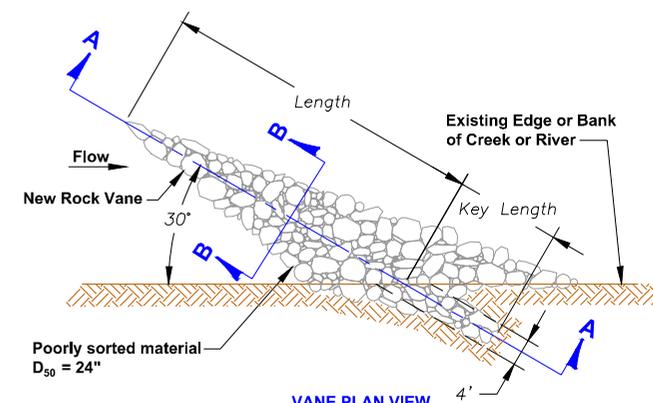
**LONGITUDINAL PEAKED STONE TOE PROTECTION  
(LPSTP)  
PLAN VIEW**



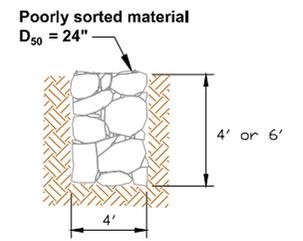
**APRON PLAN VIEW**



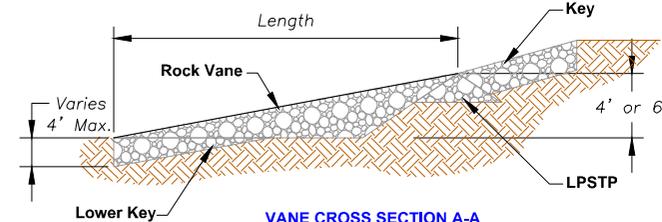
**APRON CROSS SECTION A-A**



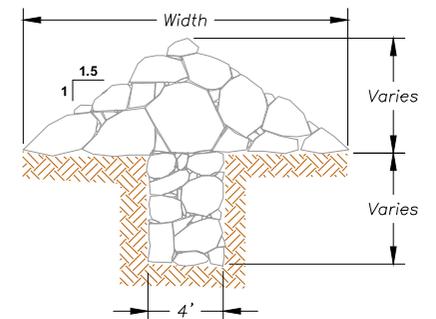
**VANE PLAN VIEW**



**VANE KEY SECTION VIEW**



**VANE CROSS SECTION A-A**



**VANE CROSS SECTION B-B**

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**SITE D24 DETAILS**