

# PUBLIC NOTICE



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

**Permit No.: NWK-2017-01646  
Issue Date: December 10, 2018  
Expiration Date: January 9, 2019**

**30-Day Notice**

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This public notice is to announce the **proposed** establishment of the second mitigation bank site under the approved Central Plains/Blackwater/Lamine EDU Umbrella Mitigation Banking Instrument that was approved on September 7, 2017. This second compensatory mitigation bank will be constructed and operated by Swallow Tail, LLC (Sponsor). The Sponsor proposes to construct the mitigation bank in order to generate compensatory mitigation credits that can be purchased by recipients of Department of the Army (DA) permits that require compensatory mitigation to replace the unavoidable loss of wetlands and/or stream channels that result from the DA authorized project. Swallow Tail, LLC has 14 mitigation banks that have been approved by the Kansas City District, Corps of Engineers (USACE).

The USACE requests comments from the public, from the local, state, and tribal governments, and from the Federal natural resource agencies concerning the proposed establishment of this mitigation bank. If this mitigation bank is approved, the USACE will verify that construction of the bank is authorized by Nationwide Permit (NWP) No. 27 (*Aquatic Habitat Restoration, Establishment, and Enhancement Activities*).

Please review the proposed Draft Mitigation Plan found at: <http://www.nwk.usace.army.mil/Media/PublicNotices.aspx> and provide written comments to: U.S. Army Corps of Engineers, Kansas City District, Regulatory Branch, 601 East 12th Street, Room 402, Kansas City, Missouri 64106. Please include the Corps of Engineers project number NWK-2017-01646 in your comment letter.

**BANK SPONSOR:** Swallow Tail, LLC  
24820 Miller Road  
Harrisonville, MO 64701

**PROJECT LOCATION** (As shown on sheet 1 of 4): The proposed mitigation bank property is located along the west side of the Little Blue River near the southeast corner of the intersection of East R.D. Mize Road and South Little Blue Parkway. The property is in Section 16, Township 49 North, Range 31 West, in the City of Independence, Jackson County, Missouri.

Latitude: 39.057390 --- Longitude: -94.338252 (center point)  
USGS QUADRANGLE – BLUE SPRINGS, MISSOURI

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

**ACTIVITY** (As shown on sheets 2 of 4 through 4 of 4 and as described in detail in the mitigation bank plan): The Sponsor proposes to restore aquatic and terrestrial wildlife habitats on this 90.17 acre property. Currently, and for many years, this property has been utilized for the production of agricultural commodity crops. The proposed wildlife habitats include the restoration of forest riparian zones (buffers) along the existing stream channels, restoring meanders to approximately 591 linear feet of perennial stream channel, and installing grade control structures in two stream channels to reduce channel incision and stream bank erosion. Additionally, the Sponsor proposes to establish wetlands in areas previously cropped and the Sponsor proposes to rehabilitate a small existing emergent wetland area that has been annually manipulated with farm tillage equipment.

**WETLANDS/AQUATIC HABITAT:** The Sponsor has identified eight existing wetland areas on the bank property that total about 5.56 acres. Five of the wetland areas are farmed through annually and are currently in a crop residue/bare soil condition, two of the wetlands support herbaceous wetland plant species, and one wetland (0.18 acre) is forest. Some of the wetland areas will be encompassed within the riparian forest restoration area (35.26 acres). About 1.26 acre of existing wetlands will be included within an area of about 33.84 acres planned for wetland restoration.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The Sponsor proposes to avoid and minimize the discharge of fill material into existing waters of the United States, including the existing wetlands, except as required to complete the planned improvements to these waters. Discharges of fill material will be limited to those required to establish sufficient wetland hydrology and will be limited to the construction of low berms, ditch plugs, in-stream grade control/stabilization structures, and if necessary the placement of riprap for bank stabilization.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by writing to Mr. Douglas Berka, U.S. Army Corps of Engineers, Room 402 (ODR), 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106, or by telephone at: 816-389-3657, or email at [douglas.r.berka@usace.army.mil](mailto:douglas.r.berka@usace.army.mil). All comments to this public notice should be directed to the above postal or email address.

The complete mitigation bank plan can be reviewed on the Kansas City District's Regulatory Branch webpage at: <http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>

**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, the Sponsor has consulted with the State Historic Preservation Officer concerning archaeological sites that may be eligible for listing. The Sponsor has revised the mitigation plan to avoid two archaeological sites that may be eligible for listing in the National Register of Historic Places. The USACE requests additional input from 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. The USACE will complete the affects determination after reviewing any additional comments that result from this notice.

**ENDANGERED SPECIES:** In compliance with the Endangered Species Act (ESA), 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 (FWS) and other interested agencies and individuals.

The FWS IPaC website found at: <https://ecos.fws.gov/ipac> lists the Indiana bat, the Grey bat, the Northern long-eared bat and the Pallid sturgeon as species that could be effected by the proposed project. The USACE has determined that the project will have no effect on the Pallid sturgeon as this species inhabits the Missouri River and areas of confluence with its major tributaries. The USACE will complete Section 7 consultation with the FWS, as outlined in the ESA, concerning the three identified bat species.

**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.

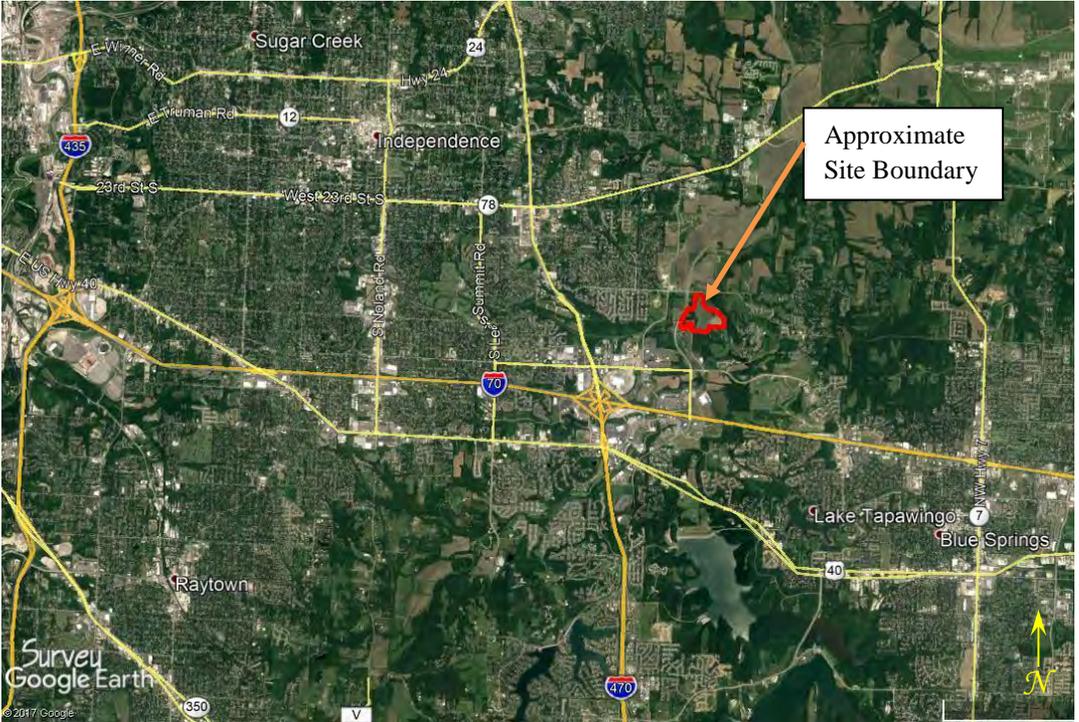
**WATER QUALITY CERTIFICATION:** Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material into waters of the United States, including wetlands, must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The project described in this public notice will be evaluated in order to determine if any proposed discharge of dredged or fill material into a water of the United States meets the conditions described in Nationwide Permit (NWP) No. 27. The Missouri Department of Natural Resources has issued Section 401 Water Quality Certification for all projects authorized by NWP 27 in Missouri. This certification expresses the state's determination that a discharge of appropriate fill into a water of the United States, including wetlands, will not violate applicable water quality standards.

**PUBLIC INTEREST REVIEW:** The decision to approve this proposed mitigation bank 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 approve the mitigation bank. 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 proposed activity so that the USACE may consider all pertinent comments prior to determining if the approval of this mitigation bank is 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 approve this proposed mitigation bank site. Copies of all comments, including names and addresses of commenters, may be provided to the bank sponsor. Comments should be mailed to the address shown on page two of this public notice.

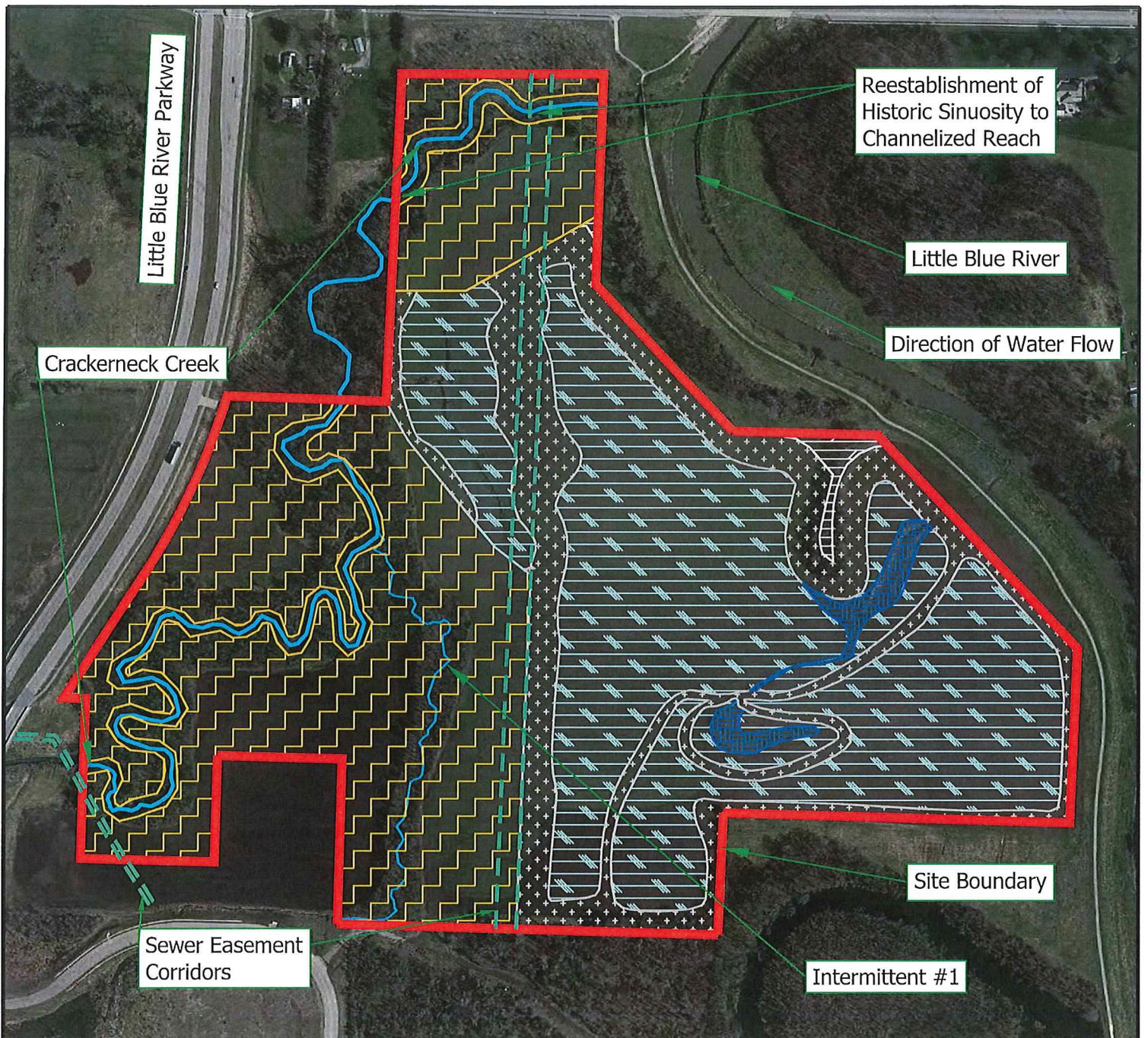
**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

## Bank Site Location



## Aerial Photograph with Site Boundary





**LEGEND**



Riparian Buffer Restoration  
35.26 Acres



Emergent Wetland Enhancement  
1.26 Acres



Emergent Wetland Restoration  
33.84 Acres



Wetland Buffer Restoration  
15.02 Acres

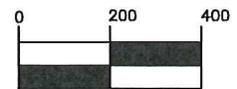


Adjacent Uplands  
0.58 Acre

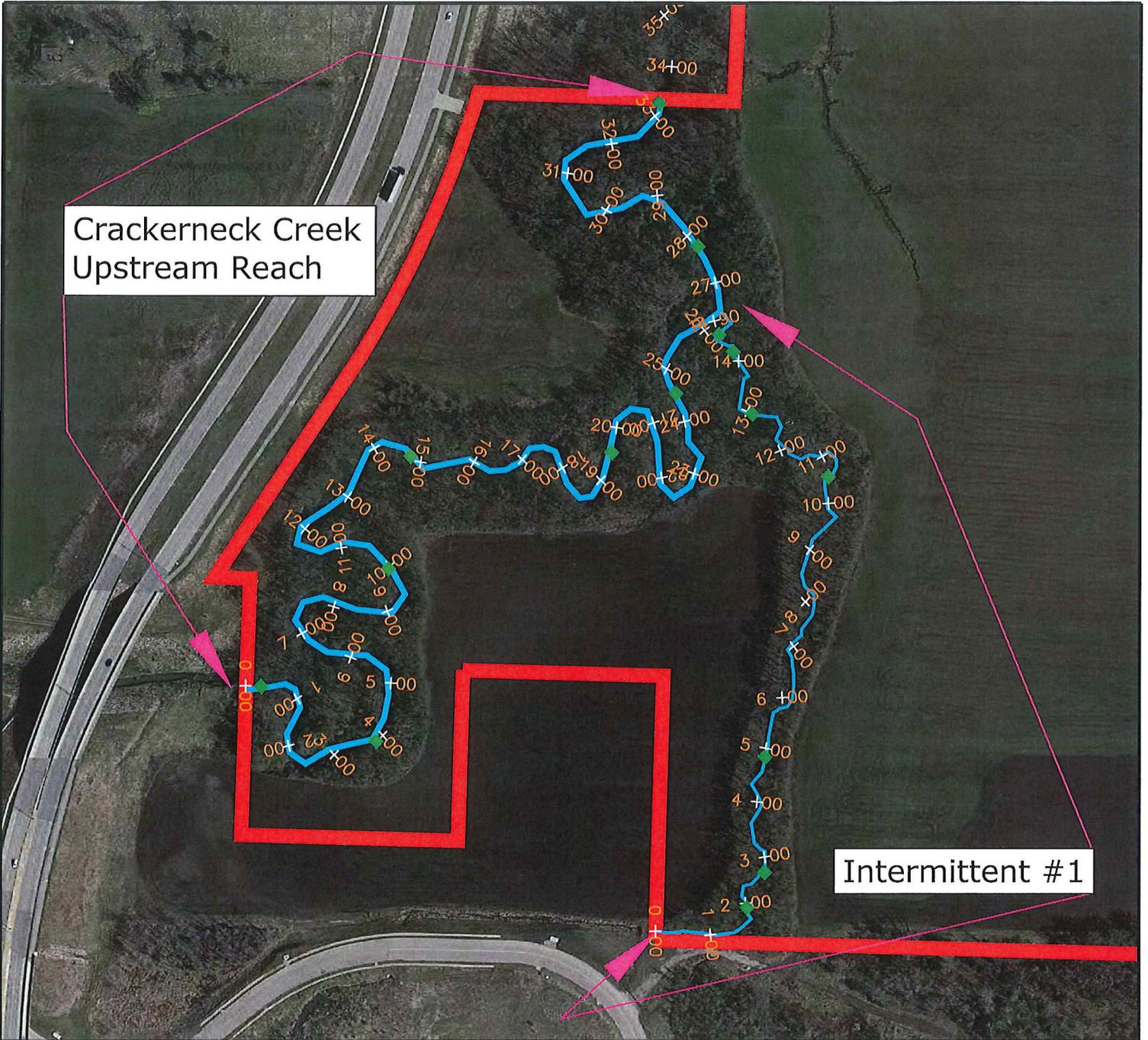


Site Boundary

Mitigation Plan:  
Crediting Figure



1 inch = 400 ft.



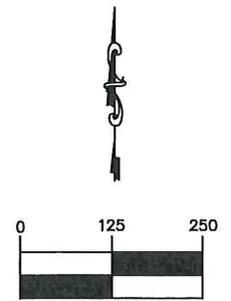
Crackerneck Creek  
Upstream Reach

Intermittent #1

**LEGEND**

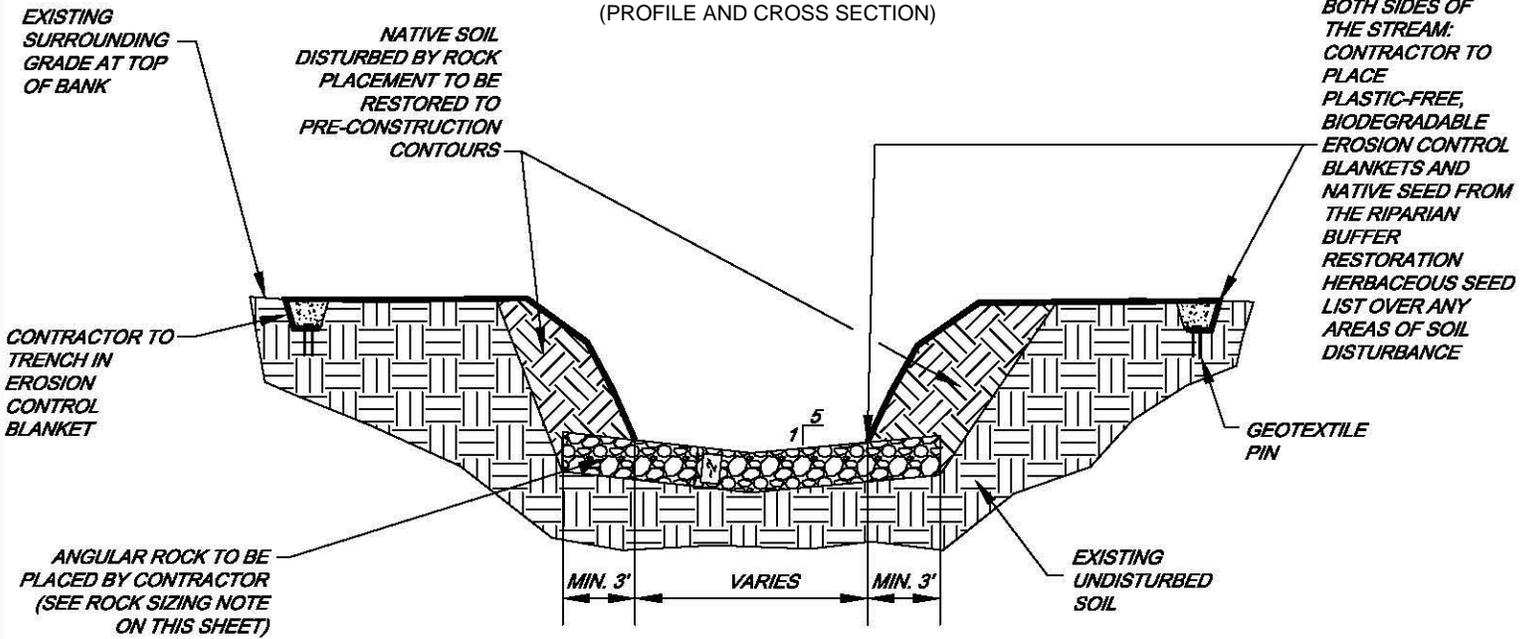
- █ Site Boundary
- █ Existing Channel
- 10 + 00 Stream Station
- ◆ Proposed Grade Control (Approx.)

Proposed Grade Control Locations:  
Crackerneck Creek Upstream Reach  
and Intermittent #1



1 inch = 250 ft.

TYPICAL DETAILS:  
GRADE CONTROLS  
(PROFILE AND CROSS SECTION)



**A1**

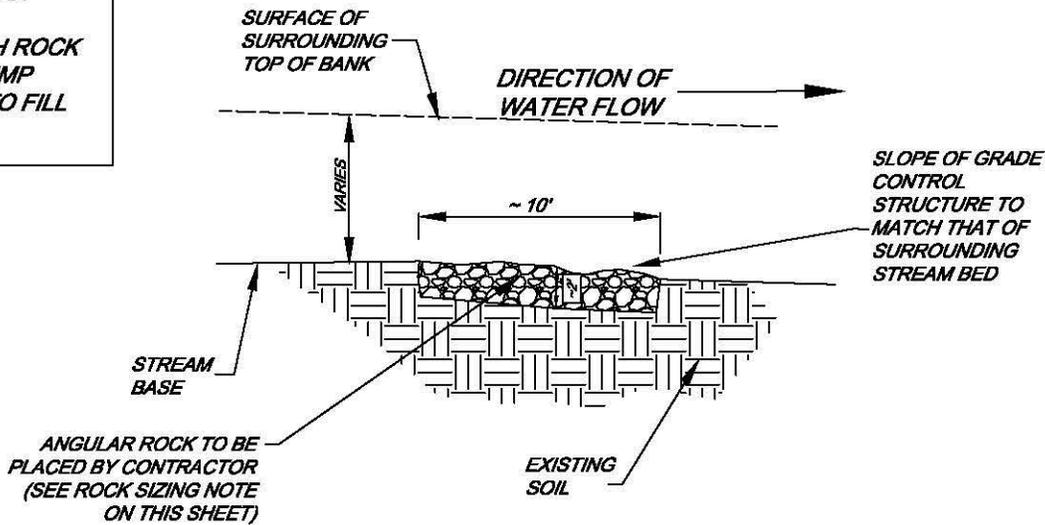
**ENGINEERED ROCK RIFFLE  
GRADE CONTROL STRUCTURE  
CROSS SECTION**

**NOT TO SCALE**

**ROCK SIZING:**

75% 6-12 INCH ROCK  
25% 2-INCH CLEAN

PLACE 6-12 INCH ROCK  
FIRST, THEN DUMP  
2-INCH CLEAN TO FILL  
GAPS



**B1**

**ENGINEERED ROCK RIFFLE  
GRADE CONTROL STRUCTURE  
PROFILE**

**NOT TO SCALE**