



**US ARMY Corps  
Of Engineers®**  
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATE OF MISSOURI*

**Application Number: SWL 2011-00246**

**Date: May 09, 2013**

**Comments Due: May 30, 2013**

---

**TO WHOM IT MAY CONCERN: Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the project managers, Ms. Debra Woodward or Mr. Rocky Presley, telephone number: (501) 340-1389 or (501) 340-1390 (respectively), mailing address: Little Rock District, Corps of Engineers, Regulatory Division, Post Office Box 867, Little Rock, Arkansas 72203, email address: [debra.k.woodward@usace.army.mil](mailto:debra.k.woodward@usace.army.mil) or [rocky.l.presley@usace.army.mil](mailto:rocky.l.presley@usace.army.mil).

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Ms. Connie Nance  
830 South Kenser Road  
Joplin, Missouri 64801**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with filling an existing manipulated channel. The proposed project includes filling an existing channel that is 338 feet long by 12 feet wide and averages 3 feet deep, totaling approximately 450 cubic yards of fill. The proposed project is located in an unnamed tributary of Turkey Creek, in section 9, T. 27 N., R. 32 W., Joplin, Jasper County, Missouri.

The basic purpose of the project is to redirect stormwater runoff, to reduce flooding. The overall purpose of the project is to fill an existing manipulated channel to redirect the flow of stormwater runoff into Kenser Road drainage ditches and then into Turkey Creek, to reduce flooding. Currently, this water flows through the applicant's property. The applicant intends for the proposed reroute to reduce flooding of the applicant's home and neighboring homes. The project is water dependent.

Ms. Nance proposes no mitigation based upon her contention that the subject tributary is not a flowing stream, has a dry creek bed, and only fills with water in cases of excessive rain. Ms. Nance also states that flooding that occurs during excessive rains causes damage to her property.

The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. By copy of this public notice, the applicant is requesting certification from the Missouri Department of Natural Resources that the operation of the proposed facility will apparently not violate the existing water quality criteria of the State of Missouri. The Commission hereby gives notice of its intent to certify this construction. A Corps

of Engineers permit will not be issued until such certification has been granted. Commenter's are requested to furnish a copy of their comments to the Missouri Department of Natural Resources.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **May 30, 2013**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impact including 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 benefit 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, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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 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.

Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

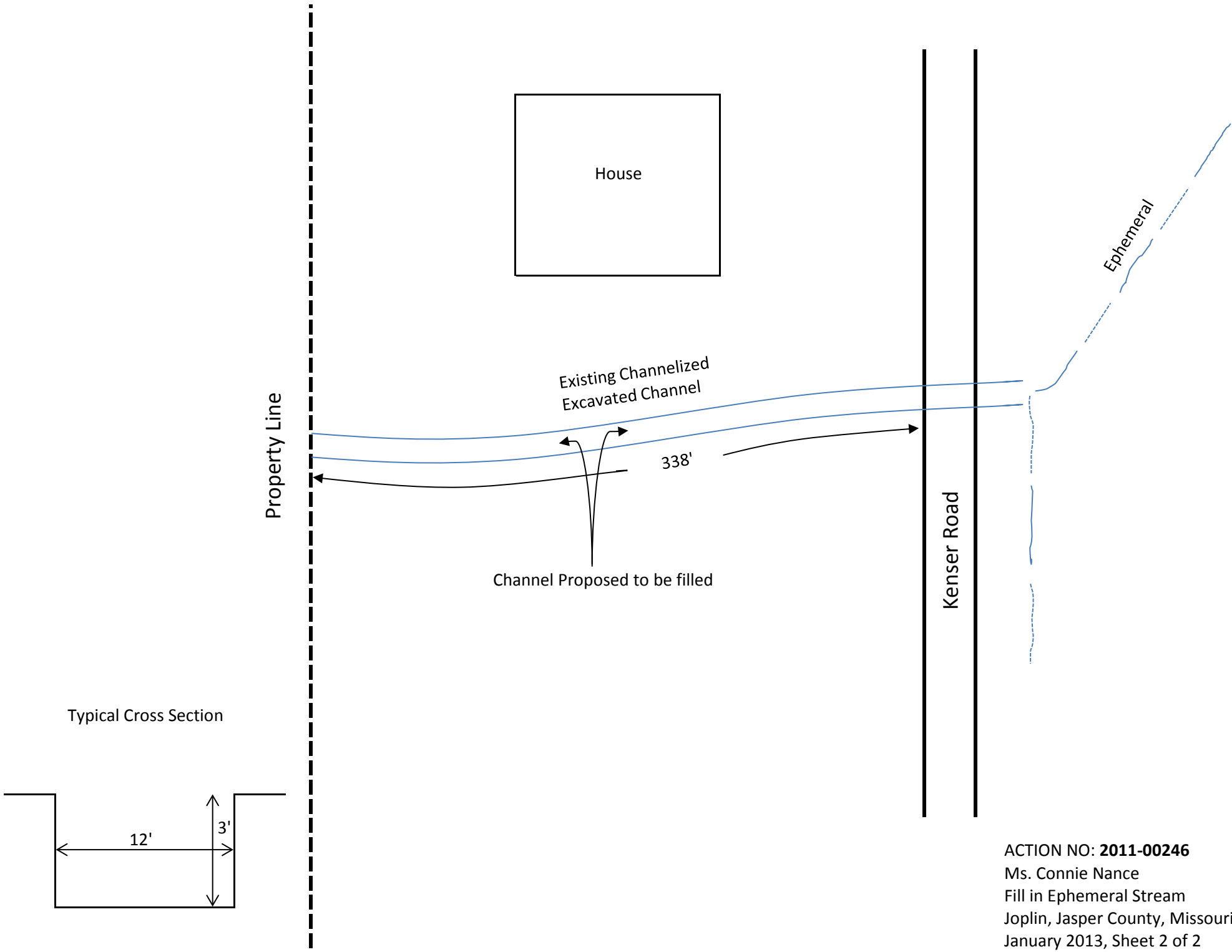
Approximate Coordinates of Project Center

Latitude: **37.08144**      Longitude: **-94.43721**

UTM Zone: **15**      North: **372255.48**      East: **4104873.38**







ACTION NO: **2011-00246**  
Ms. Connie Nance  
Fill in Ephemeral Stream  
Joplin, Jasper County, Missouri  
January 2013, Sheet 2 of 2