



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

December 10, 2014

Regulatory Branch
(NWK-2014-01230)

Mr. Brian Austin
Bartlett & West, Inc.
544 Columbia
Lawrence, Kansas 66409

Dear Mr. Austin:

This letter pertains to an application you submitted on behalf of the City of Lawrence, Kansas, for a Department of the Army permit. The application was received on September 24, 2014. We circulated a public notice describing your activity and received the enclosed comments for your information. The project is located in Sections 20 and 21, Township 13 south, Range 20 east, in the City of Lawrence, Douglas County, Kansas.

If you choose, you may respond to this letter or to the enclosed comments in one or more ways. You may try to resolve any specific comments by modifying your proposal on your own initiative and notifying us. If you wish to meet with any agency or other commenter, please contact us and we will arrange a meeting. Also, you may rebut or comment to us on any or all of the substantive points in the enclosed comments or furnish justification of the need for your activity. However, we emphasize that you are not assured that a permit would be issued merely because you resolve objections or modify your proposal.

At this time, an alternatives analysis is required for this project. This analysis should include a no-action alternative, other project designs that were considered, and other sites that were considered that would avoid adverse impacts to wetlands and/or waters of the United States. Within your analysis, you must also provide measures taken, first to avoid impacts on site, and if impacts cannot be avoided, to minimize these impacts.

At the time of the Public Notice, the applicant's statement of mitigation was as follows: "The City of Lawrence proposed a typical section without curb and gutter and storm sewer to minimize the impacts on the environment. The proposed typical section will minimize the impacts by creating 4' flat bottom ditches on E1600 Road to replace the existing ditches filled by the proposed road embankment. The proposed flat bottom ditches that are proposed for this project will equal 0.77 acres, which exceeds the acreage of the existing ditches that the project is impacting. The proposed ditches will have the same soil types and hydrology as the existing ditches and will revert to wetland vegetation within a few years after completion of the project. Because the project will replace the existing ditches with a larger area of ditches with the same characteristics, compensatory mitigation should not be required." However, since construction of the proposed roadway expansion would require the permanent grade and fill impacts to 18 wetlands, totaling 0.85 acres, we will require the applicant to purchase 0.85 acres of wetland mitigation credits from an approved In Lieu Fee Provider within the service area of the proposed project to compensate for unavoidable permanent impacts to the wetlands. Currently, the approved In lieu Fee Provider within the watershed is The Watershed Land Trust.


The Corps of Engineers will make the final decision on your application, and we will not issue a permit if issuance would be contrary to the public interest. We will consider the enclosed comments and your response, if any, along with other relevant factors in our determination of the public interest. Finally, you may choose to take no action on the enclosed objections. In that case, we will decide whether to issue the requested permit based on the information in your application, on the public notice comments, and on any other information we have developed about your activity from our own evaluation.

If we issue the permit, it may contain conditions that are necessary to address specific environmental issues or other public interest concerns. Some of those issues may be included in the enclosed comments, and others may be minor issues which are not in the enclosed comments.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

In summary, we are forwarding the enclosed comments for your information and you do not have to respond. If you wish to respond in any way for consideration in our final decision, we encourage you to do so. However, we intend to finish processing your application as soon as possible. If you do not reply within 15 days, we will assume you are declining this opportunity to respond. If you have any questions concerning this matter, please feel free to contact me at (816) 389-2123 or via e-mail at kailey.j.rippen@usace.army.mil.

Sincerely,


Kailey Jones
Regulatory Specialist

Enclosures

Copies Furnished (electronically w/enclosures):

Environmental Protection Agency,
Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service, Manhattan, Kansas
Kansas Department of Wildlife, Parks and Tourism
Kansas Department of Health and Environment
Kansas Department of Agriculture