



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 E. 81 ST
TULSA, OKLAHOMA 74137

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: City of Hutchinson, Reno County, Kansas 48-inch Sewer Line Replacement (408-SWT-2021-0015)

PUBLIC NOTICE COMMENT PERIOD:

Begins: March 30, 2022

Ends: April 12, 2022

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Hutchinson (requester) has requested permission from the U.S. Army Corps of Engineers (USACE) for the Hutchinson Levee A & E Arkansas River Northeast Bank.

LOCATION: Section 30 and 32, Township 23 South, Range 5 East, Reno County, Kansas (Attachments 1 and 2)

REQUESTERS PROPOSED ACTION: The City of Hutchinson proposes to replace an existing 42" diameter PVC lined concrete sewer main within the project area with a new 48" diameter HDPE lined concrete sewer main relocated approximately 15 feet to the north. Following construction of the 48" sewer main, the existing sewer main will be completely removed once the new sewer main is in operation. This project will also include the in-place rehabilitation of existing manholes within the project area using cementous and corrosion projection lining, and access rings and lids will be replaced. Project area is displayed in Attachment 2.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: USACE is currently reviewing the environmental compliance documentation submitted by the requester and anticipates exercising a categorical exclusion available to the USACE under the National Environmental Policy Act and that there will be no effect to federally listed threatened and endangered species which may be present within the project area.

The proposed project was reviewed for cultural resources, in accordance with Section 106 of the National Historic Preservation Act (NEPA), based on an area of potential effect determined from submitted construction plans and Endangered Species Act compliance documents. Based on the cultural resources review, the project meets the No Effect threshold, concluding the Section 106 process.

AUTHORITY: The authority to grant permission for a temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 408 ("Section 408"). Section 408 authorized the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of

Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. 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. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

- 1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.
- 3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to NEPA and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Tulsa District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Tulsa District will work with the requester to determine the requirements, which will be scaled to the

likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

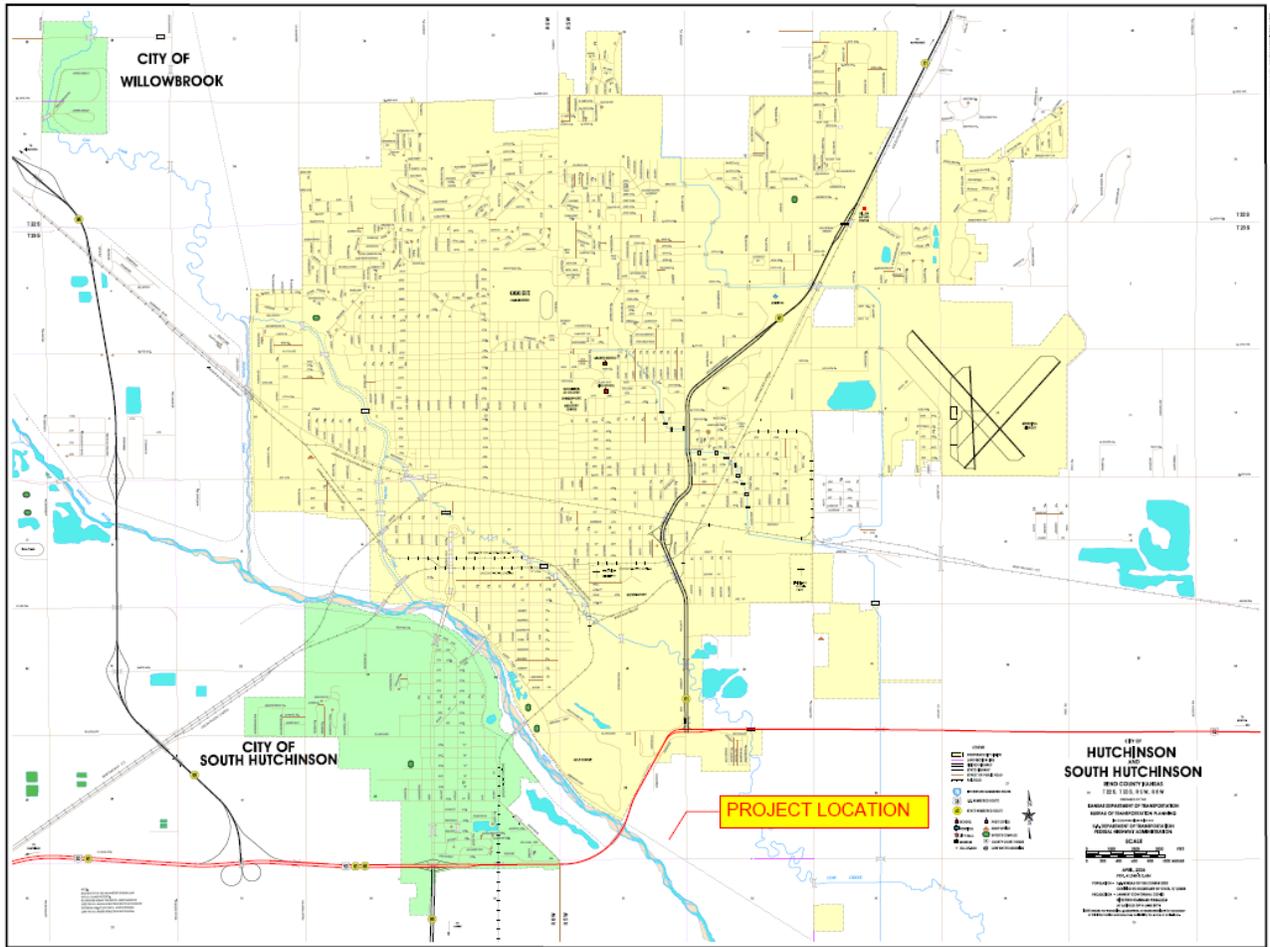
PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the City of Hutchinson, Reno County, Kansas, 48-inch Sewer Line Replacement. Comments received within 10 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use, or alter the Hutchinson Levee A & E Arkansas River Northeast Bank will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by proposed sewer line replacement.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 408-SWT-2021-0015 must be submitted to the office listed below on or before April 12, 2022.

Tony Clyde, Project Manager – 408 Coordinator
U.S. Army Corps of Engineers, Tulsa District
2488 E 81st Street
Tulsa, Oklahoma 74137

Email: Tony.Clyde@usace.army.mil

Attachment 1: Project vicinity.



Attachment 2: Project Location.



SCALE BAR(S)
SCALE BAR IS FULL SIZE (24x36)

BG CONSULTANTS
Engineering & Construction Services

NO.	DATE	REVISION	BY	APP'D
1	00/00/2021			

PROJECT # 21-10
DRAWN BY: LCD
CHECK BY: STJ
SHEET #: 04

48" DIAMETER SEWER MAIN REHAB
SITE PLAN