**DEPARTMENT OF THE ARMY**
**U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT**
**2488 EAST 81ST STREET**
**TULSA, OKLAHOMA 74137-4290**

# PUBLIC NOTICE

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

**TITLE:** KDOT Project No. 54-87 KA-0161-05 Replacement of US-54 Bridge over the M.S. Mitch Mitchell Floodway, Wichita, KS

**PUBLIC NOTICE COMMENT PERIOD:**
Begins: December 15, 2025
Ends: January 14, 2026

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408 Kansas Department of Transportation (KDOT) and with concurrence of the levee sponsor, which is the City of Wichita, Kansas (requester) has requested permission from the U.S. Army Corps of Engineers (USACE) to replace the existing 5-span Continuous Welded Plate Girder with two 4-span Prestressed Concrete Beam Bridges over the Wichita Flood Control Channel, known as M.S. Mitch Mitchell Floodway.

**LOCATION:** This project is located in Woodson County, Kansas, and is under the jurisdiction of the State of Kansas Department of Transportation. The work is focused on Bridge #022, which is the structure spanning the Verdigris River Overflow. The bridge is situated 4.8 miles east of the eastern city limits of Toronto, Kansas.

**REQUESTERS PROPOSED ACTION:** The proposed project plan involves replacing the existing 5-span Continuous Welded Plate Girder with two 4-span Prestressed Concrete Beam Bridges over the Wichita Flood Control Channel, known as M.S. Mitch Mitchell Floodway. The bridge reconstruction will require the excavation into the existing floodway. Soil borings will be advanced at the abutment and per location for the new structure. A structural suitability analysis within the levee will be conducted utilizing the soil boring information.

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** USACE is reviewing the environmental compliance documentation submitted by the requester which documents all federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS). USACE will complete an evaluation of activities associated with the proposed project to determine if they would cause adverse effects to federally listed species or designated critical habitat under the jurisdiction of the USFWS.

The proposed project will be reviewed for cultural resources, in accordance with Section 106 of the National Historic Preservation Act, based on an area of potential effect identified in submitted construction plans and Endangered Species Act figures.

**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 the National Environmental Policy Act (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 area along KDOT Bridge #022, US-54 bridge over the M.S Mitch Mitchell Floodway, Wichita, KS area. Comments received within 30 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 KDOT Project No. 54-87 KA-0161-05 replacement of US-54 Bridge over the M.S Mitch Mitchell Floodway, Wichita, KS project 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 highway interchange expansion.

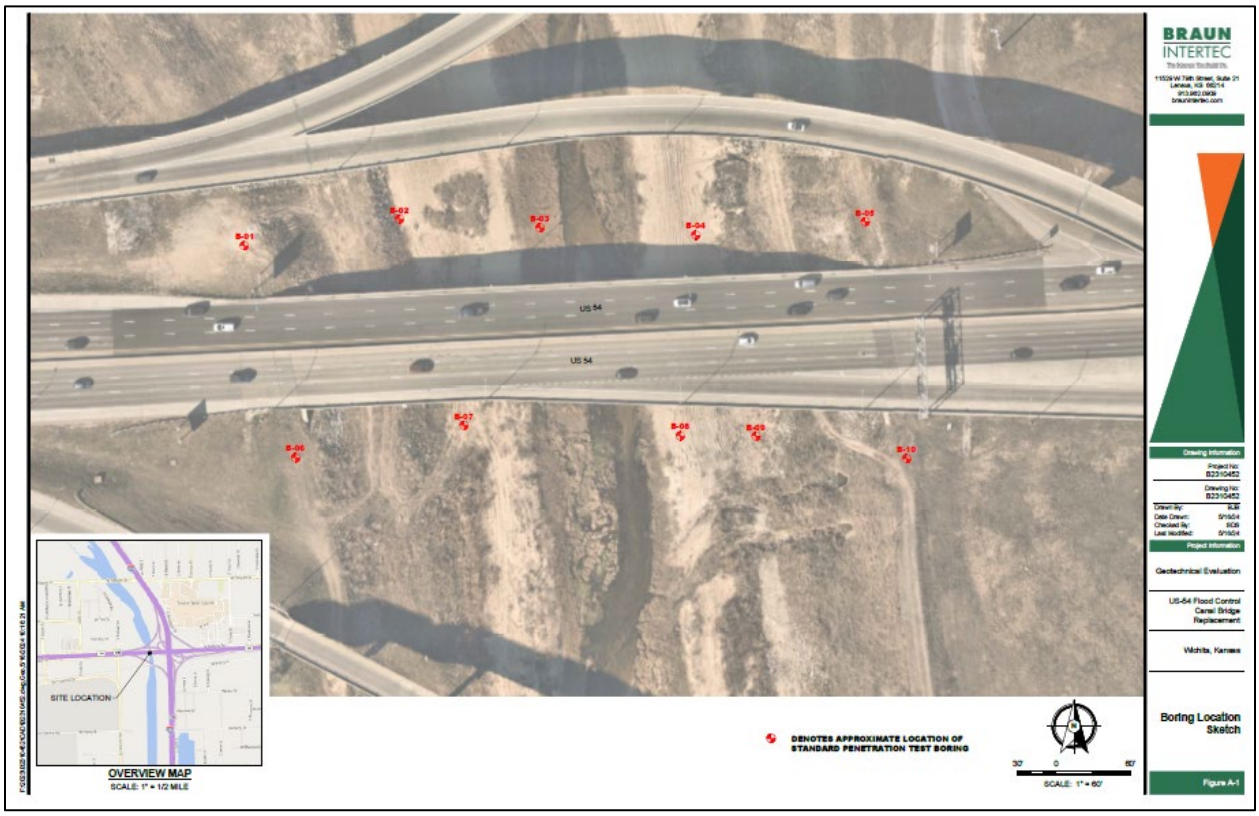
**SUBMITTING COMMENTS:** Written comments, referencing Identification Number 408-SWT-2025-0038 must be submitted to the office listed below on or before January 14, 2026.

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

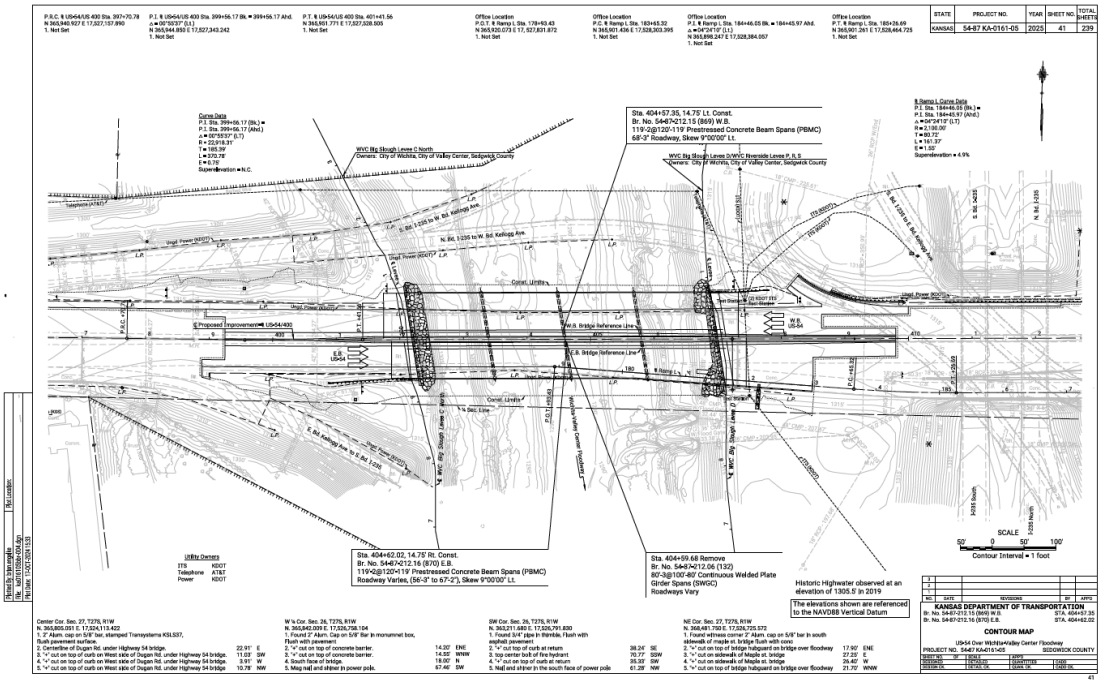
Email: Cheryl.M.Dillard@usace.army.mil

Attachment 1: Project Location Plan (from State of Kansas Department of Transportation, Project No 54-87 KA-0161-05)

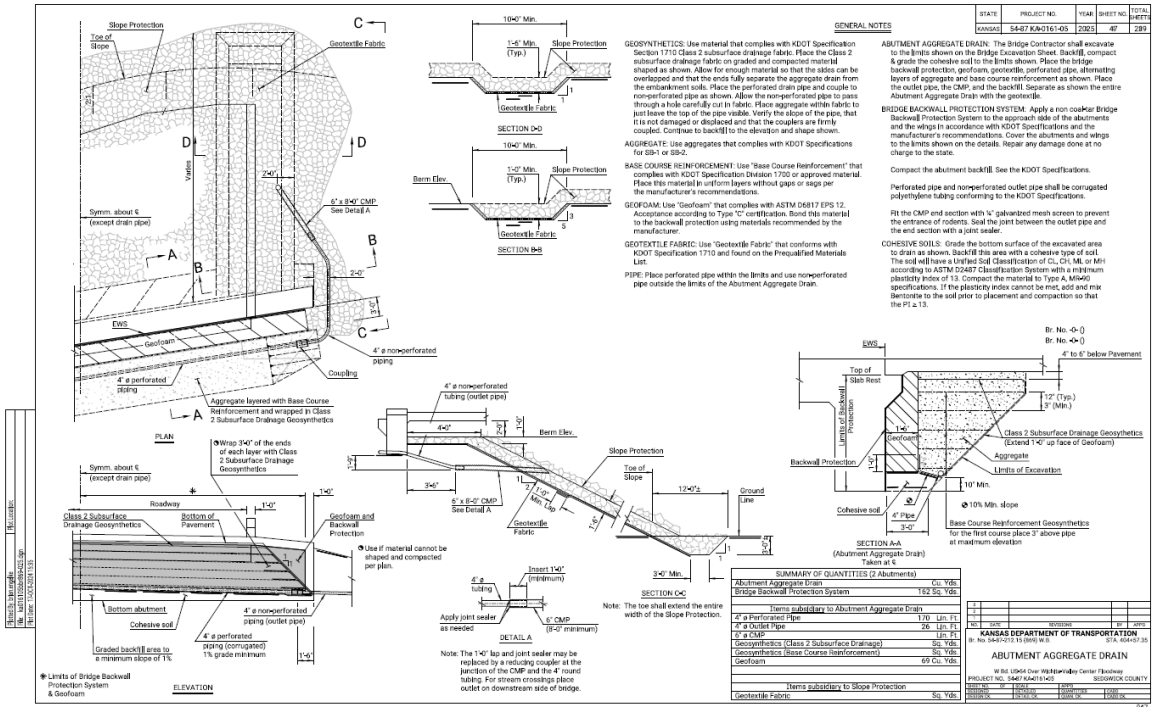

Attachment 2: Proposed Soil Boring Locations (from Braun INTERTEC) Submitter modified the original drawings to show where boreholes are to be drilled.



Attachment 3: Bridge Abutment and Pile Details on Levee (from Kansas Department of Transportation, Project No 54-87 KA-0161-05)



Attachment 4: Bridge Abutment and Pile Details on Levee (from Kansas Department of Transportation, Project No 54-87 KA-0161-05)



Attachment 5: Bridge Abutment and Pile Details on Levee (from Kansas Department of Transportation, Project No 54-87 KA-0161-05)