

Dear Ms. Swanson,

I submit these comments regarding Public Notice 408-NWK-2025-0011 for the proposed Port KC Missouri River Terminal Phase 1 bridge, haul road, and trestle bridge alteration affecting the East Bottoms Unit Levee and Blue River Channel.

At the outset, I request that the Kansas City District extend the public comment period, hold a public hearing, and promptly release the technical and environmental materials underlying this notice. A 15-day review period is not a meaningful public process for a proposal involving a permanent 9-span vehicular bridge, a temporary haul road over a federal levee, and a temporary trestle bridge over the Blue River Channel. The current notice provides conclusory statements, but not the underlying analyses needed for the public, affected communities, tribes, agencies, and local governments to test the Corps' eventual findings.

The Corps cannot make a credible Section 408 determination on this record unless it demonstrates, with actual technical support, that the proposed alteration will not impair the usefulness of the federal flood-control project and will not be injurious to the public interest. The notice acknowledges that relevant public-interest factors include flood hazards, floodplains, residual risk, navigation, environmental impacts, cultural resources, and cumulative impacts. Yet the notice does not disclose the hydrologic, hydraulic, geotechnical, scour, seepage, settlement, slope-stability, debris-loading, construction loading, restoration, or cumulative-impact analyses necessary to evaluate those issues.

This project also should not be evaluated as though it were an isolated bridge crossing with limited localized consequences. By Port KC's own description, the Missouri River Terminal is a broader intermodal and industrial development platform intended to support rail, water, and highway logistics, including warehousing, freight transloading, e-commerce, and related industrial activity. The Corps therefore must disclose how its Section 408 public-interest review accounts for cumulative impacts and induced development effects associated with the larger terminal project and its foreseeable buildout.

I specifically request disclosure of the following materials before the close of the comment period or, alternatively, an extension sufficient to allow meaningful review after their release:

1. The approved Section 408 review plan for this request;
2. Any determination regarding whether a Safety Assurance Review was required, and if not, the basis for that decision;
3. Hydraulic and hydrologic modeling for the permanent bridge and temporary trestle bridge, including high-flow, debris, backwater, and channel-constriction effects;
4. Geotechnical analyses addressing levee stability, seepage, settlement, construction loading, and post-construction restoration associated with the temporary haul road over the levee;
5. Scour and foundation analyses for the proposed structures;
6. The environmental assessment or other NEPA-supporting documentation relied upon for the preliminary conclusion that no EIS is required;
7. The habitat assessment and related ESA documentation supporting the “may affect, but is not likely to adversely affect” determination;
8. The cultural-resource documentation submitted to SHPO, together with an explanation of tribal consultation conducted or still underway;
9. Any alternatives analysis evaluating whether less risky access or staging configurations exist that would reduce effects on the levee system and Blue River Channel; and
10. Any cumulative-impact analysis that evaluates the bridge and associated crossing features in light of the broader Missouri River Terminal project.

I also request that the Corps clearly state, on the public record, which tribes were contacted; when consultation began; whether any tribe requested government-to-government consultation; whether consultation remains open; and whether any tribal concerns changed the project design, analysis, or schedule. USACE guidance makes tribal consultation a federal obligation that must begin at the earliest planning stages and is not bound to specific timelines. If tribal consultation is complete, the Corps should say so and identify the basis for that conclusion. If it is not complete, the Corps

should not hide behind a 15-day public notice window to imply the process is mature enough for approval.

If the Corps proceeds without extending the comment period and without disclosing the technical basis for its proposed findings, the resulting Section 408 process will appear designed to secure acquiescence rather than informed public input. That would be especially troubling where the proposal would alter a federal flood-risk-reduction system in service of a larger industrial access objective. The present notice asks the public to trust a series of bottom-line conclusions while withholding the analyses needed to test them. For a proposal that would place temporary and permanent crossing infrastructure through a federal levee-and-channel system to enable a larger terminal project, that is *not* meaningful public process: It is a request for unexamined consent.

Accordingly, I request that the Corps:

1. Extend the comment period;
2. Hold a public hearing;
3. Release the complete technical and environmental record supporting this request; and,
4. Refrain from issuing any approval until the record is complete enough to support a defensible finding of no impairment, no injury to the public interest, and no likely enablement of such injury through induced or facilitated development.

Sincerely,

Brian J. London
Merriam, Kansas
U.S. Navy Veteran