

SECTION 3

EXHIBITS

EXHIBITS

Blue River Channel Modification – Status Map (December 2007)

Current Plan – Remainder of Authorized Channel

Potential Flood Damage Reduction Areas with Estimated Blue River 100-year Floodplain

Blue River Economic Reaches Investment and Damage Estimates

Blue River Greenway Master Plan Study, Eco System Restoration Sites and other Opportunities

Blue River Channel Modification – Brush Creek to 63rd Street

Alternative Disputes Resolution/Partnering Agreement

Blue River Authorized Mitigation Sites

US Fish & Wildlife Service letter to Col. Walter Bell, US Army Corps of Engineers, dated
Mar 18, 1980

US Fish & Wildlife Service letter to Col. Walter Bell, US Army Corps of Engineers, dated
Jan 12, 1979

Memorandum for file from Mike McClain (US Army Corps of Engineers) dated Nov 9,
1978

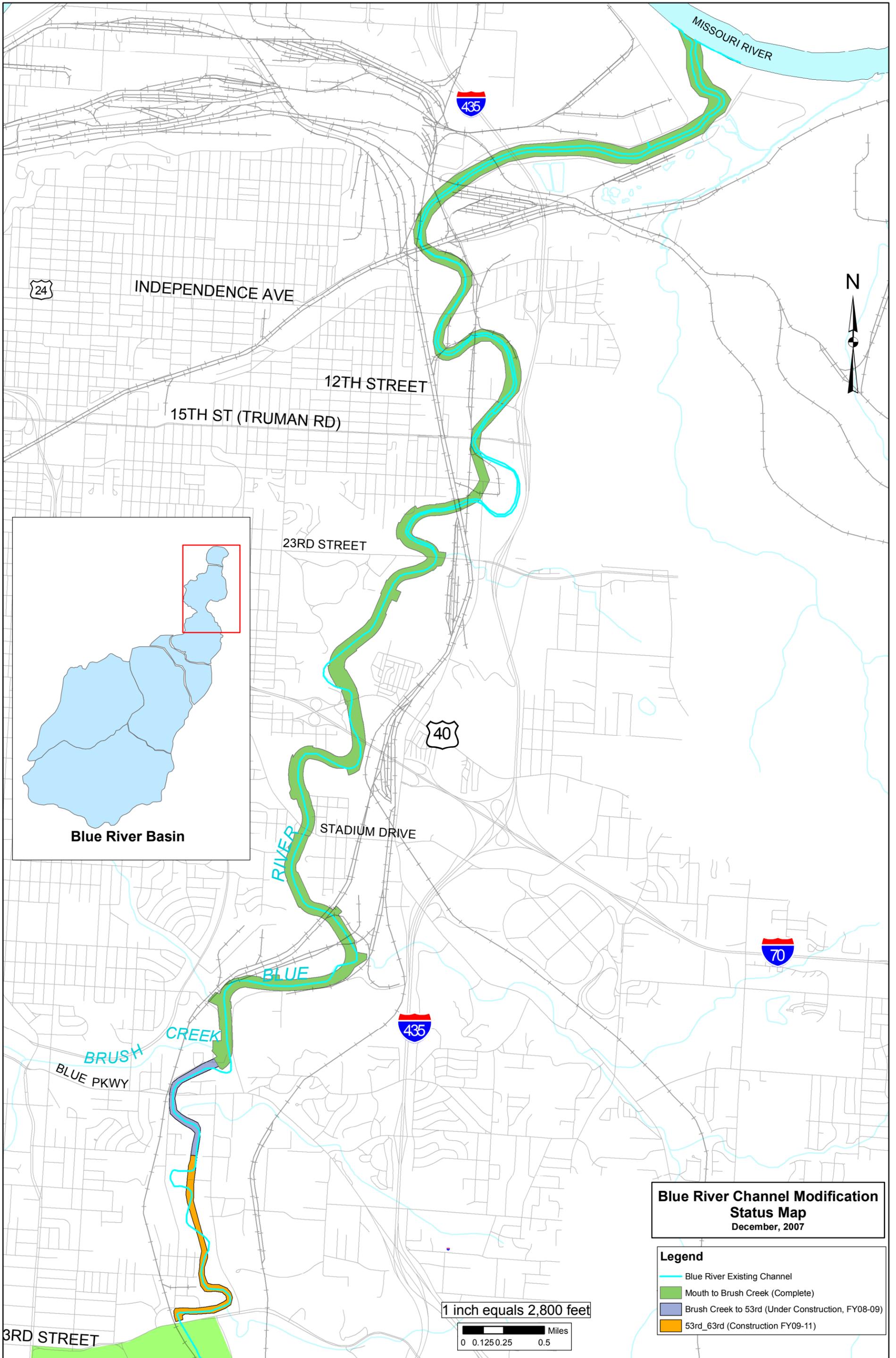
Proposed Mitigation by US Army Corps of Engineers dated Mar 6, 1980

Blue River Estimated changes in profile for 35,000 cfs

Blue River Estimated changes in 100-year profile

The following exhibits could not be posted to the internet due to the size of the files.

- Current Plan – Remainder of Authorized Channel (14MB)
- Potential Flood Damage Reduction Areas with Estimated Blue River 100-year Floodplain (52MB)
- Blue River Economic Reaches Investment and Damage Estimates (46MB)
- Blue River Greenway Master Plan Study, Eco System Restoration Sites and other Opportunities (61MB)
- Blue River Channel Modification – Brush Creek to 63rd Street (22MB)
- Blue River Authorized Mitigation Sites (26MB)



**Blue River Channel Modification
Status Map**
December, 2007

- Legend**
- Blue River Existing Channel
 - Mouth to Brush Creek (Complete)
 - Brush Creek to 53rd (Under Construction, FY08-09)
 - 53rd_63rd (Construction FY09-11)

1 inch equals 2,800 feet

0 0.125 0.25 0.5 Miles



United States Department of the Interior

FISH AND WILDLIFE SERVICE

2701 Rockcreek Parkway, Suite 106
North Kansas City, Missouri 64116

KANSAS CITY AREA OFFICE
816/374-6166

ECOLOGICAL SERVICES
816/374-5951

March 18, 1980

Colonel Walter C. Bell
District Engineer
Kansas City District, Corps of Engineers
601 East 12th Street
Kansas City, Missouri 64106

Dear Colonel Bell:

This is in reference to the Blue River Channel Modification Project and to plans for mitigation of wildlife habitat lost as a result of the project. A March 7, 1980 meeting among representatives of the Corps of Engineers, City of Kansas City, Missouri, and U.S. Fish and Wildlife Service resulted in the clarification of a number of items and in the identification of a number of proposed measures for wildlife habitat mitigation. Based on our understanding of the discussions held in this meeting, the following have been proposed as measures to mitigate wildlife habitat losses:

1. Fill areas A (18 acres), B (eight acres), and the area near the mouth of Brush Creek (approximately 18-22 acres) will be planted to trees and shrubs and managed as natural areas.
2. Fill area J (nine acres) will be preserved and managed both as a historical landmark and as a natural area.
3. Approximately six acres of fill area K will be converted to a baseball diamond. The remainder of area K (approximately 18 acres) will be planted to trees and shrubs and managed as a natural area.
4. Fill area N is approximately 16 acres. Approximately half of this area will be converted to use for ball diamonds and playgrounds; the remainder will be managed as a natural area.
5. Three hundred and thirty acres of the permanent right-of-way (between 15th and 63rd Streets) will be seeded to and maintained with native grasses. Mowing will be minimized and will generally be restricted to no more than once per year.
6. The Corps of Engineers will plant at least 15 acres of the permanent right-of-way to trees and shrubs.
7. Plans for a nature/hiking/biking trail are included in the City's Master Plan.

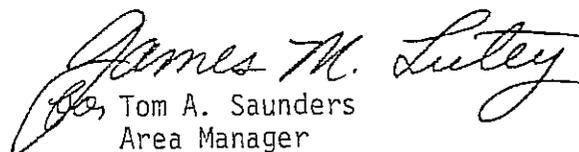
All of the above natural areas should be managed primarily as wildlife habitat. Other uses of the areas such as nature/hiking trails and picnic areas should be designed in such a way as to be compatible with this primary goal of providing wildlife habitat. Since these areas are being utilized to mitigate losses of riparian woods, they should be planted to trees and shrubs and maintained as wooded areas. We recommend that you contact the Missouri Department of Conservation for information concerning which species of trees and shrubs provide the best wildlife habitat and which species are best suited for establishment along the Blue River. *

Initial establishment of native grasses along the 330 acres of permanent right-of-way may require some special management efforts; however, once these native grasses are firmly established, very little maintenance will be required. The Missouri Department of Conservation has staff members specializing in the management of native grasses. We recommend that you contact the Department's Jefferson City Office for advice on appropriate techniques for establishing and maintaining the native grass right-of-way.

In considering future plans for fill area K, we recommend that if at all possible, the existing oxbow/wetland area be preserved. Wetlands are valuable natural resources which have received increasing nation-wide attention over the last few years. Executive Orders 11990, Protection of Wetlands, and 11988, Floodplain Management, were issued in recognition of the natural and beneficial values of wetlands and flood plains. The oxbow in area K serves the following natural and beneficial functions: high biological productivity, ecological diversity, natural moderation of floods, water quality improvement, and habitat for wildlife. The value of wetlands is also recognized in the Corps of Engineers Regulatory Programs. The regulations for the permit program state a general policy in 33 CFR 320.4 (b)(1), "Wetlands are vital areas that constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest." In conclusion, all factors should be carefully weighed and the oxbow/wetland area should be filled only if there is no practicable alternative.

We trust that the above mitigation measures, items 1 through 7, reflect an accurate account of the proposed mitigation measures as discussed in the March 7, 1980 meeting. If there have been any misinterpretations or there is a need for clarification, please contact us. Accomplishment of the proposed mitigation measures (items 1-7) will fully compensate for wildlife habitat losses due to the Blue River Channel Modification project. Thank you for your interest in our wildlife resources. Please contact us if you have any questions concerning this letter or if we can be of assistance and please keep us apprised of the status of mitigation plans.

Sincerely yours,


Tom A. Saunders
Area Manager

cc: RD, Denver, CO (ENV/LWRDP)
EPA, Kansas City, MO
(Section 404 Permits)
Missouri Dept. of Conservation
Jefferson City, MO
Urban Office, Kansas City, MO
Mid-America Regional Council
Attn: Jerry Overton



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Rockcreek Office Building, Suite 106
2701 Rockcreek Parkway
North Kansas City, Missouri 64116

816-374-6166

January 12, 1979

Colonel Walter C. Bell
District Engineer
Kansas City District, Corps of Engineers
601 E. 12th Street
Kansas City, Missouri 64106

Dear Colonel Bell:

This supersedes our letter of September 25, 1978 concerning the Corps of Engineers proposal to modify the Blue River channel from the mouth to near 63rd Street, Kansas City, Missouri. Corps of Engineers representatives raised a number of questions concerning our presentation of data (letter of September 25) gathered in the HEP study conducted by biologists from the Corps of Engineers, Missouri Department of Conservation, and U.S. Fish and Wildlife Service. Following a meeting on October 6, 1978 and subsequent coordination with the respective agencies, we have re-evaluated our analysis of the effects of the project on the fish and wildlife resources of the area. The following revised comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

As a result of poor water quality, the current fishery in the lower Blue River is very limited. However, the fishery has potential for improvement as pollutant discharges are further reduced under mandates of the Federal Water Pollution Control Act. The proposed channelization project will destroy most of the aquatic habitat in the lower 12 miles of the Blue River and will thus eliminate the potential for an improved fishery. Loss of aquatic habitat can be reduced or mitigated in a number of ways. Maintaining diversity within the river channel is essential for good aquatic habitat. An irregular channel bottom which would allow flows to alternate between a series of pools and riffles is much more desirable than a channel bottom with a uniform gradient. A series of pools and riffles could be maintained by erecting structures such as low water dams at various points on the river. The practice of paving entire reaches of the channel is very destructive environmentally and should be avoided.

The Final Environmental Statement (September 1975) adequately assesses the current environmental setting in the Blue River Basin. The area of the proposed channelization project is currently a combination of residential and industrial districts. Mr. Max Batman, Public Works Department, City of Kansas City, Missouri, stated that the entire area along the Blue River downstream of 63rd Street is zoned industrial and future development will occur with or without the

project. Extensive development along the river has already destroyed much of the wildlife habitat. However, a corridor of riparian timber still exists along a significant portion of the river. These areas are valuable habitat for maintaining wildlife populations in an urban area for non-consumptive purposes.

The Final Environmental Statement (ES) on the Blue River projects stated that "channel work on the Blue River below 63rd Street would result in minor reduction in streamside timber." The clearing of 191 acres of riparian timber (which is the majority of riparian timber remaining along this section of the river) constitutes a significant reduction in streamside timber. The ES also stated that "most of the affected acreage lies near the mouth of the Blue River." Our findings were that most of the good wildlife habitat is not near the mouth but is in a riparian corridor from approximately 18th Street upstream to 63rd Street. The area near the mouth of the Blue River is currently being developed by the Armco Steel Corporation, and it is anticipated that the majority of the remaining wildlife habitat will be lost to future development regardless of whether or not the channel modification project is constructed. The riparian corridor from 18th to 63rd Street is particularly valuable for wildlife habitat as it adjoins Swope Park. Swope Park has a total area of 1,760 acres and is interspersed with good wildlife habitat.

Several items listed as beneficial impacts of the project are questionable. One beneficial impact listed was that "flood protection would enhance the opportunity for development of vacant lands." Encouragement of further development in the flood plain is unwise and should not be listed as a beneficial impact. Improving the aesthetics of the area is given as another beneficial impact of the project. Removal of trash and litter along the riverbank will enhance the aesthetics; however, the channel modification will degrade the aesthetics.

The Fish and Wildlife Coordination Act requires that wildlife conservation be considered on an equal basis with other features of the project. Measures should be incorporated into the Blue River Project to replace the wildlife habitat which will be lost as a result of the project. With this objective in mind, biologists from the U.S. Fish and Wildlife Service, Missouri Department of Conservation, and the Corps of Engineers conducted an evaluation of the wildlife habitat which would be affected by the proposed project. The project requires 520 acres of land for a permanent right-of-way plus 630 acres as a temporary right-of-way. About 889 acres of the 1,150 acre total is developed for urban and industrial usage (parking lots, industrial storage, roadways, lawns, etc.) and its value as wildlife habitat is low. Since its habitat value will remain low with or without the project, this 889 acre section was not included in the habitat evaluation. Another 70 acres which was not included in the evaluation consisted of two old fields, one crop field, one pasture and one excavation/fill area. The only habitat type evaluated was 191 acres of riparian woods.

A corridor of riparian woods extends from 63rd Street downstream to about 18th Street. The habitat evaluation team selected fox squirrel, raccoon, cottontail rabbit, mink, red-tailed hawk, brown thrasher, aquatic frogs, white-footed mouse, wood duck, and woodpeckers as wildlife species most representative of the area.

The value of the habitat for wildlife depends on its ability to provide food, shelter, and reproductive success. The results of the habitat evaluation indicated that the average value of the 191 acres of riparian woods is 5.0 based on a rating scale of 0 to 10 (0 being no value and 10 being excellent value).

In considering the future of this 191 acres of riparian woods, it is expected that 75 percent of the existing wildlife habitat will be lost due to further industrial development within the next 50 years without the project. Because of increasing restrictions on flood plain development, lack of accessibility, and periodic flooding, the remaining 25 percent of habitat would remain indefinitely. With the project, an estimated 95 percent of the wildlife habitat will be lost, and increased development promoted by the project will restrict wildlife habitat to that level indefinitely. Our calculations show that 418 habitat units per year will remain without the project and 48 habitat units per year will remain with the project. This results in a net loss of 370 habitat units per year due to the project.

Compensation for these project incurred damages to the wildlife resources and the natural environment should be included in the cost of the project. The exact acreage necessary to compensate for losses cannot be determined until the existing habitat on the acreage offered for compensation is evaluated. We estimate that from 90 to 250 acres of land would be needed to fully compensate for wildlife habitat losses. Initial development and annual management would be needed to raise the wildlife habitat value of compensation lands. Setting aside an area in itself does not compensate for losses since wildlife already inhabit the area. Only by proper development and/or management can the quality of the habitat be raised to offset the habitat lost to the project.

Members of your staff have indicated that land which is currently owned by the city of Kansas City, Missouri would be the most amenable for compensation purposes. City properties along the Blue River downstream of 63rd Street include: 1) a small portion of Swope Park just north of 63rd Street, 2) an area along both sides of Brush Creek at its confluence with the Blue River (Fill area E), 3) the Municipal Farm, 4) Blue Valley Park including fill areas J and K, and 5) an area across the river from Blue Valley Park. Areas 1, 3, and 5 are relatively small; however, they could be developed and managed to mitigate wildlife habitat losses.

One prime area for mitigation is fill areas J and K in Blue Valley Park. These two areas could be developed and managed as natural areas. Area J is an 8.8 acre stand of mature trees. Project plans should be modified to leave area J in its present condition, thus reducing the aforementioned habitat losses. Area K (an area of 18 acres) could be used as a fill area and then developed as a natural area after completion of the project. We prefer that the oxbow of the old Blue River channel not be filled and thus be preserved as a wetland. The old field which comprises most of area K could be filled to the maximum height practicable, contoured, and planted to provide wildlife habitat. Preservation of area J and development and management of area K could reduce the project's impact on wildlife habitat by 117 habitat units per year.

In order to fully compensate for project-incurred damages to wildlife habitat, an additional 253 habitat units per year must be replaced. This could be

accomplished by managing a portion of the Municipal Farm as a natural area. Depending upon the existing wildlife habitat in the area selected, 60 to 170 acres of land could compensate for the additional 253 habitat units. This alternative has the advantage of preserving wildlife habitat in one larger block rather than in several smaller isolated blocks.

Another alternative would be to purchase compensation lands. As a first priority, purchase of private lands from a willing seller should be considered. Compensation lands should be as close to the Blue River project as possible. Fill areas other than J and K would also be potential compensation lands. These areas would require development, management, and preservation as wildlife habitat.

The impact of the project on wildlife habitat could be reduced by the use of high flow bypass channels at areas such as fill areas C and N. This would allow flows to pass through the original river channel during periods of low flow and through the bypass channel during high flow. Significant reduction of adverse project impacts on wildlife habitat would require no filling in areas C and N. For example, not filling area N (16 acres) and preserving it as a natural area would reduce the project impact by 73 habitat units per year. Since the current value of the habitat in area C has not been evaluated, we cannot compute the effect of preservation of this area in terms of habitat units; however, the reduction of habitat units lost would be sizable.

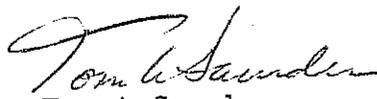
The permanent right-of-way for the project could be managed to mitigate some of the losses of wildlife habitat. Any shrub or tree plantings would benefit wildlife. Another management practice beneficial to wildlife would be restricting mowing to one time per year (preferably between June 15 and June 30).

The Missouri Department of Conservation, Kansas City Urban Office, is in the process of developing proposed plans for a series of hiking/nature trails which would connect various parks and recreational areas in the Kansas City area. The Blue River could be an important link in the trails system. Provisions for an easement (on the right-of-way) along the entire length of the Blue River would be a very beneficial addition to the trails system.

In summary, a number of alternatives exist to compensate for wildlife habitat losses incurred by the Blue River channel modification project. The exact acreage necessary for compensation cannot be determined until the habitat is evaluated for the particular compensation area involved. We rank the alternatives in the following order (beginning with the best alternative): 1) to develop fill area K as a natural area and to preserve and manage fill area J and a portion of the Municipal Farm, 2) to preserve and manage fill areas C and N and a portion of the Municipal Farm, 3) to purchase compensation lands, or 4) a combination of the above three alternatives. Fill areas other than those already mentioned could be used for mitigation in conjunction with any of the alternatives.

We appreciate the opportunity to provide these recommendations for satisfactory mitigation of wildlife habitat losses resulting from the Blue River channel modification project. The Fish and Wildlife Coordination Act provides "that wildlife conservation shall receive equal consideration and be coordinated with other features of water resource development programs." We trust that the information contained in this report will enable you to incorporate a wildlife conservation plan into the project. Please notify us of any changes in the project plans, and do not hesitate to contact us if you have any questions concerning the recommendations in this report. Please provide us with your comments on our views and recommendations.

Sincerely yours,



Tom A. Saunders
Area Manager

cc: RD, Denver, CO (ENV)
EPA, Kansas City, MO
(EIS Section)
Missouri Dept. of Conservation
Jefferson City, MO

9 November 1978

MEMORANDUM FOR ED-FL FILES

SUBJECT: Blue River Channel - Habitat Evaluation

1. A habitat evaluation meeting was held in room 730, 601 E. 12th Street at the Kansas City District Office of the Corps of Engineers at 10:30 a.m., 7 August 1978, on the above subject prior to a field trip. The following people were present:

City of Kansas City, Missouri

Max Batman - (816) 274-1506

Missouri Department of Conservation

*Gary T. Christoff - (314) 751-4115

U.S. Fish & Wildlife Service

*Steven Preston - (816) 374-5951

*William Kurey - (816) 374-5951

*Ken Grannemann - (816) 374-5951

Corps of Engineers

Jack D. Nelson - ED-HH (816) 374-3076

Robert S. Cox, Jr. - ED-HH (816) 374-5055

Bob Ruf - ED-BR (816) 374-2648

Dick Taylor - ED-BR (816) 374-3672

*Van V. Shipley - ED-BR (816) 374-5063

*Roberta Comstock - ED-BR (816) 374-3402

*Mike McClain - ED-FL (816) 374-3652

* Participated in field trip on 7 & 8 August 1978

2. The meeting opened with a discussion on the present and future land use in the project area. Mr. Batman stated that the area is already zoned for industry and in the next 10 to 20 years will be almost entirely developed.

3. The F&WS stated that the Habitat Evaluation Procedures (HEP) was to gain baseline data for the Blue River project area and mitigation was not the reason for HEP. A general discussion explained what a habitat evaluation is, how it is performed, and what range of results might be expected. Very briefly, a number of species are preselected, along with several

get

MRKED-FL

9 November 1978

SUBJECT: Blue River Channel - Habitat Evaluation

sites to be evaluated along the length of the channel project. As each site is visited, the existing vegetation, adjacent land use, general environmental condition, food sources, etc., were evaluated on a judgement basis with respect to the area's ability to support the species being considered. It was necessary to remind Mr. Preston several times that his demands for mitigation decisions were premature.

4. The species selected for study by the group are listed below:

- a. Fox Squirrel
- b. Raccoon
- c. Cottontail Rabbit
- d. Mink
- e. Red-Tailed Hawk
- f. Brown Thrasher
- g. Wood Duck
- h. White Footed Mouse
- i. Grass Frog (Ranicles) - (Although most of the team members were reluctant to be specific about frogs, the most probable species in the study area is the leopard frog.)
- j. Red-Headed Woodpecker

5. There were ten (10) sites selected for study ranging from just below 63rd Street to just below 23rd Street. Sites were selected to represent the following habitat types:

- a. Riparian Woodlands
- b. Old Fields
- c. Row Crops

The team agreed to omit industrial and residential areas from the field evaluation. It was agreed by the three agencies represented that from the vicinity of 23rd Street on downstream (north) was essentially all heavy industry and is of zero value with respect to wildlife habitat. This is to be reflected in the final report. The sites selected and those eight (8) evaluated are shown on the inclosed map. Changes of sites in the field were made in one instance due to lack of access and in all other instances at the request of Mr. Preston.

6. All the data collected during the field trip were given to the U.S. Fish & Wildlife Service to be used in writing their report and making an evaluation and recommendations. The scores for each area and each species arrived at by the three agencies were averaged to arrive at a composite score for each site and for each species. These are to be the ones presented in the final report.

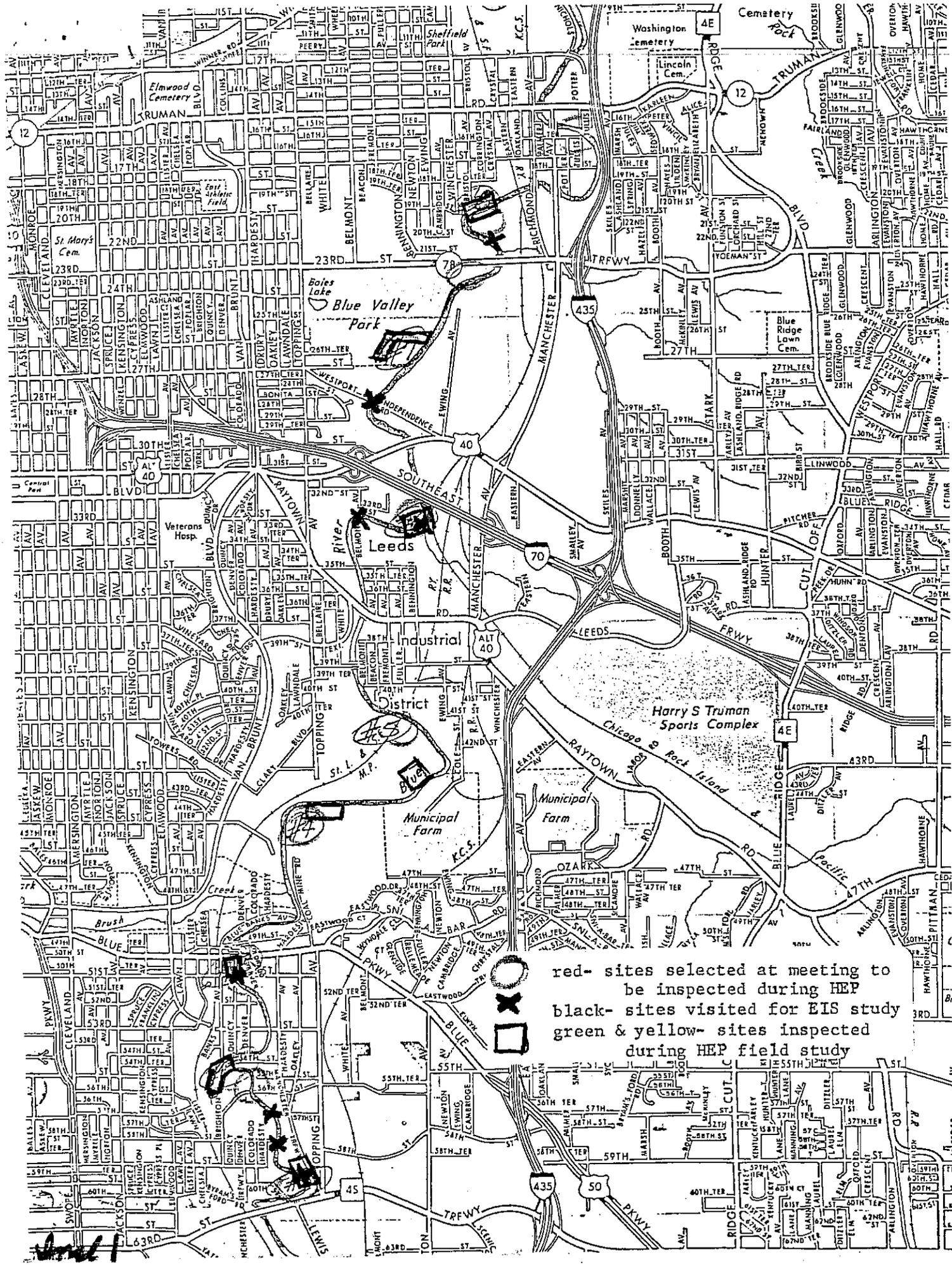
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as

CF: ED-BR

MIKE McCLAIN

Civil Engineer



red- sites selected at meeting to
 be inspected during HEP study
 black- sites visited for EIS study
 green & yellow- sites inspected
 during HEP field study

Handwritten note: "done 1/63"

PROPOSED MITIGATION

- 1) Area A = 18 acres.
- 2) Area B = 8 acres.
- 3) Area E = 12 acres.
- 4) Right-of-way contains 330 acres which are to be seeded as part of the contract.
- 5) COE has the authority to landscape the R-O-W with trees and shrubs which have a wildlife value.
- 6) Although fill areas J & K are to be converted to ball diamonds and for preservation of historical landmarks, some habitat will remain especially in landmark areas.
- 7) The city has a nature, hiking, bike trail in M.P.

Output

- 1), 2), & 3) Areas A - B - E = 86 units.
- 4) 330 Acres of R-O-W seeded has minimum value of 1 Habitat Unit/acre, therefore = 330 units.
- 5) Landscape plantings for wildlife have a value of at least 3 units/acre, therefore if 15 acres are planted, you have = 45 units.
- 6) If there are only 5 acres of fill areas J, K, L, & N left in riparian (woody vegetation), you have a production based on average habitat value of J, K, & N (or 4) of 20 units.
- 7) No value given for trail, but it has a man-day one.

These items totalled will provide a minimal replacement of 480 Habitat Units in an area where only 370 is needed to fully compensate.

PROPOSED MITIGATION

- 1) Area A = 18 acres.
- 2) Area B = 8 acres.
- Brush C.* 3) Area E = $\frac{12}{38}$ acres.
- 4) Right-of-way contains 330 acres which are to be seeded as part of the contract.
- 5) COE has the authority to landscape the R-O-W with trees and shrubs which have a wildlife value.
- 6) Although fill areas J & K are to be converted to ball diamonds and for preservation of historical landmarks, some habitat will remain especially in landmark areas.
- 7) The city has a nature, hiking, bike trail in M.P.

Output

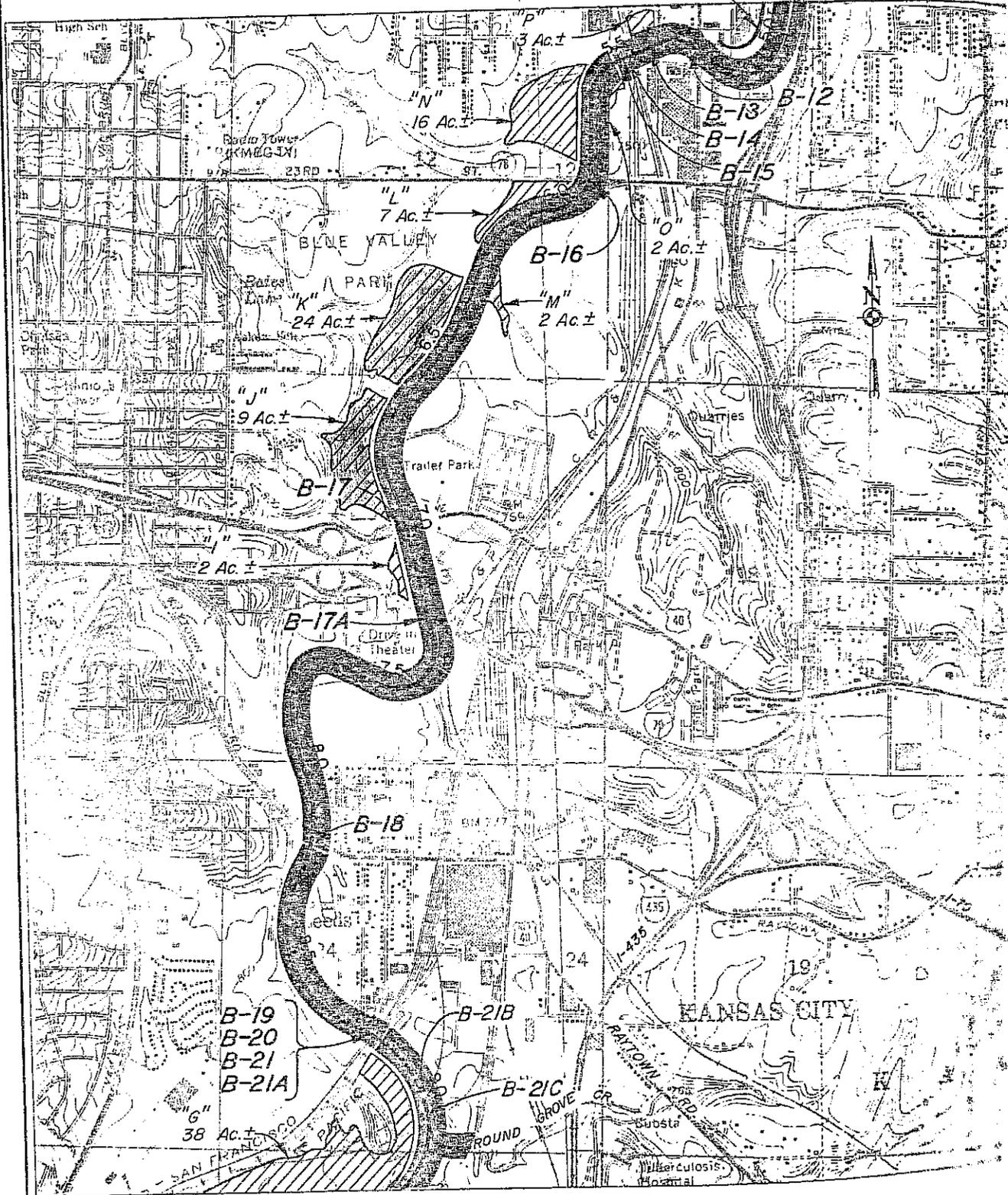
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- 7) No value given for trail, but it has a man-day one.

Handwritten notes:
 86 units
 330 units
 45 units
 20 units
 1 man-day

Handwritten calculation:
 9
 24
 7
 16
 56

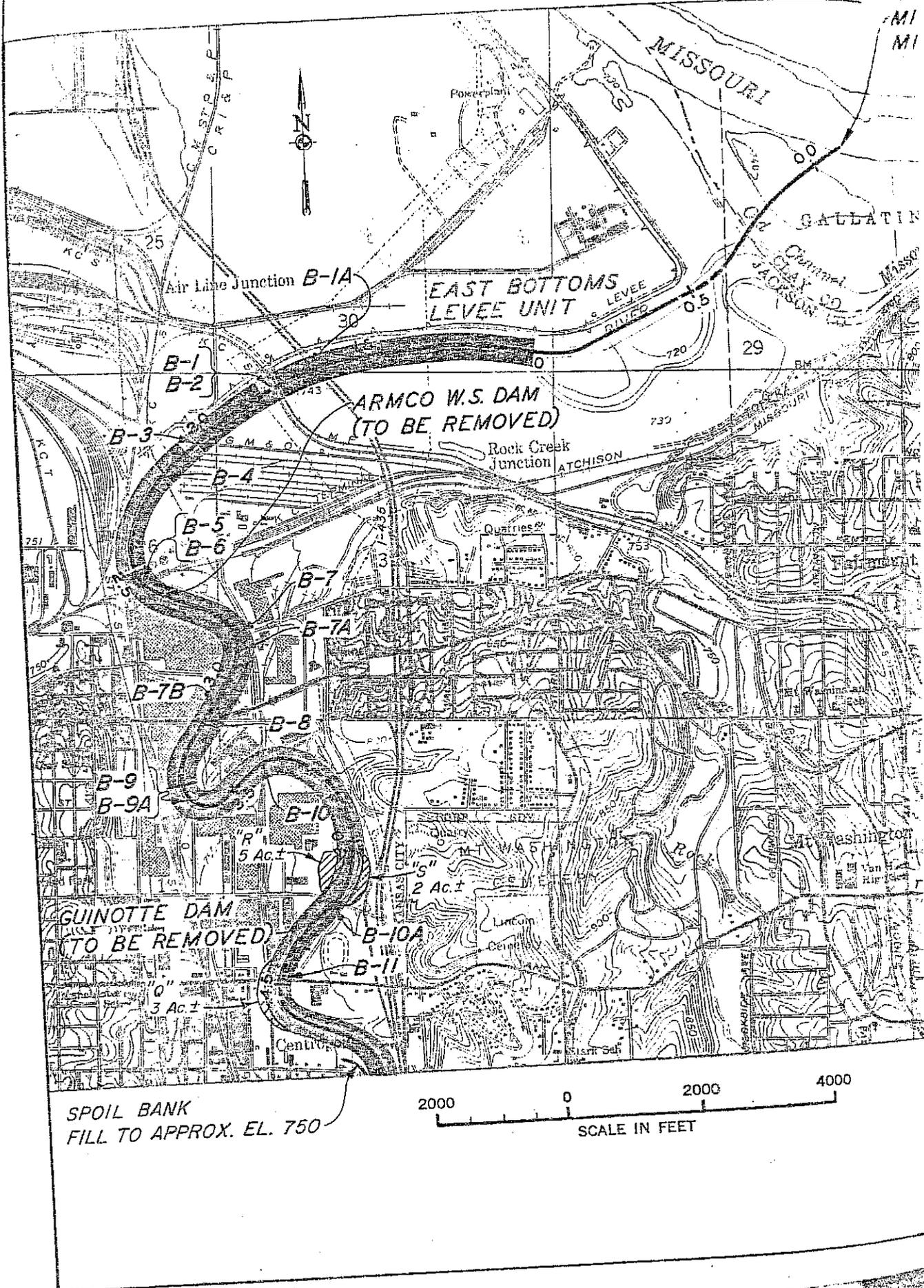
These items totalled will provide a minimal replacement of 480 Habitat Units in an area where only 370 is needed to fully compensate.

SPOIL BANK
FILL TO APPROX. EL. 750

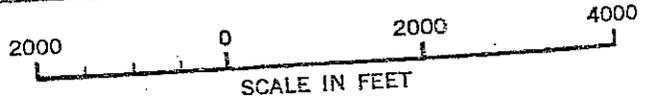


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APPROX. SCALE IN FEET



SPOIL BANK
FILL TO APPROX. EL. 750



ALTERNATE DISPUTE RESOLUTION/
PARTNERING AGREEMENT
CONCERNING THE
BYRAM'S FORD LEVEE ALIGNMENT
LOCATED WITHIN THE
BLUE RIVER CHANNEL MODIFICATION PROJECT
KANSAS CITY, MISSOURI

THIS AGREEMENT, is entered into by and between the **DEPARTMENT OF THE ARMY** (hereinafter referred to as the "Government"), acting by and through the Kansas City District, Corps of Engineers, the **City of Kansas City, Missouri** (hereinafter the "City"), the **Byram's Ford Industrial Park Association**, an unincorporated association, and the **Monnett Battle of Westport Fund, Inc.**, (hereinafter referred to as the Monnett Fund) a not-for-profit organization incorporated in the State of Missouri.

WITNESSETH, THAT:

WHEREAS, the Government has (under authority of Public Law 91-611, 91st Congress, 2d Session, approved 31 December 1970) undertaken the development of a flood protection project known as the Blue River Channel Modification Project located in Kansas City, Missouri (hereinafter called the Project); and

WHEREAS, in 1983, the existence and location of an American Civil War battlefield site known as "Byram's Ford" was confirmed within the limits of the Project; and

WHEREAS, the 17 acre Byram's Ford Historical District is listed on the National Register of Historic Places (NRHP); and

WHEREAS, in order to accommodate and protect the battlefield site, and to insure that it was not adversely affected by the construction of the Project, the upstream limits of the Project were relocated from upstream of 63rd Street downstream to between 58th and 59th Streets; and

WHEREAS, the May 1990, floods on the Blue River demonstrated that the Byram's Ford Industrial Park, located in the vicinity of 59th Street and Manchester Trafficway, did not have 30 years flood protection; and

WHEREAS, because the Project was authorized to upstream of 63rd Street, and because the Project as it is being constructed, provided 30 year protection the Government and the City propose to provide equivalent 30 year flood protection to Byram's Ford Industrial Park by constructing a four to six feet high levee; and

WHEREAS, the levee and grade control structure proposed to protect the Byram's Ford Industrial Park will not encroach on the NRHP site, but will be located in the adjacent historically significant Big Blue Battlefield; and

WHEREAS, the parties to this MOA could not agree on how best to accommodate the interests of historic preservation and flood protection in the area of Byram's Ford; and

WHEREAS, the parties met in July and August 1992, for the purpose of learning how to settle their differences of opinion through the use of Alternative Dispute Resolution, and reached an agreement in principle, and propose to memorialize their agreement in writing.

NOW, THEREFORE, the parties agree as follows:

1. As a part of the authorized Project, and subject to the availability of funds, the Government will cause a four to six foot levee to be constructed to provide flood protection to portions of the Byram's Ford Industrial Park. The levee alignment will follow the alignment straight South as shown on the attached map (Enclosure 1, attached hereto and made a part hereof). The levee side slopes, south of 60th Street to the southeast corner of the Dupont Building (within Byram's Ford Industrial Park) will have side slopes that are one vertical to four horizontal.

2. Subject to the availability of funds, the Government agrees to arrange for the construction of a grade control structure at the upstream end of the project between 58th and 59th Streets. The Government also agrees to arrange for the construction of a levee eastward from the grade control structures to Hardesty Avenue, and the filling (to elevation 862 mean sea level) of the right bank area downstream of the levee. The Government further agrees to minimize the right-of-way required south of the grade control structure in order that existing trees may provide a visual barrier between the grade control structure and the Byram's Ford NRHP site.

3. The Government agrees to take the lead in developing a separate Memorandum of Agreement (MOA) for historic properties within Project boundaries pursuant to § 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§ 470 et seq. The MOA shall consider the effects of the Project on the Byram's Ford NRHP District as well as related historic areas such as the Big Blue Battlefield. The parties to such MOA shall be the Government, the Missouri State Historic Preservation Officer and the Advisory Council on Historic Preservation. The Monnett Battle of Westport Fund, Inc., the Byram's Ford Industrial Park Association, and the City shall be invited to consult in the terms and conditions of the MOA.

4. The City shall acquire all right-of-way necessary for the levee alignment and will comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 et seq. If the property on which Stratco is located is acquired, relocations will be provided in accordance with the above. If the Stratco building is purchased by the City, it also would be demolished, debris removed, the site leveled, and any area not required for the levee deeded to the Monnett Fund. The City requests that the Corps align the levee to avoid interfering with Stratco, if possible.

5. If in the future, the Dupont Building is vacated and subsequently acquired by the Monnett Fund, the City agrees to realign that portion of the levee south of 60th Street to provide an open battlefield area.

6. The City agrees to arrange for the construction of two parking turnoffs along Hardesty Avenue of an adequate size to accommodate a bus: one at the intersection of Byram's Ford Road and Hardesty (West side) and the other at the Ravine through through which Captain Dee's Advance followed (East side). The City also agrees to install historical markers, of the same design currently in use by the Monnett Fund, at both locations. The narrative on the markers is the prerogative of the Monnett Fund.

7. The City or the Government agrees to flood proof (to an elevation equal to the top of the adjacent levee) the American Cyanamide facility located within Byram's Ford Industrial Park.

8. The City agrees to acquire the Bisbee property, clear the structures, and transfer the lands not required for the levee to the Monnett Fund. *--- site leveled*

9. The City will acquire the right of way necessary to construct the levee from the Commerce Bank of Kansas City, Missouri (Lot #6). It is the Commerce Bank of Kansas City's intention to transfer its remaining interest in Lot #6 to the Monnett Fund. (See attached Letter of Intent dated-----.)

10. Because of the historical significance of the area and in the interest of the businesses located in Byram's Ford Industrial Park, the City agrees to maintain the levee area to the City's Department of Parks, Recreation, and Boulevards' standards.

11. This Agreement shall be effective upon execution by all the parties, and shall remain in effect until all parties consent to terminate by written agreement. This Agreement may be revised by issuance of a written amendment, signed and dated by all the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the last date signed by the Parties.

WJH
for WILBUR H. BOUTIN, JR.
Colonel, U.S. Army
District Engineer

GS
GEORGE SATTERLEE
Director of Public Works
City of Kansas City, Missouri

9-24-92
DATE

9-24-92
DATE

OF
ORVIS FITTS
Chairman
Monnett Battle of Westport
Fund, Inc.

RH
RAY HINES
President
Byram's Ford Industrial Park
Association

24 Sept. 1992
DATE

9-24-92
DATE



**Commerce Bank
of Kansas City**

P.O. Box 419248
Kansas City, MO 64141-6248
816-234-2000

November 9, 1992

Mr. Ken Kaul
City of Kansas City, Missouri
Public Works Department
19th Floor, City Hall
414 E. 12th Street
Kansas City, Missouri 64106-2785

RE: Byrams Ford Industrial Park

Dear Mr. Kaul:

It is our understanding that the City of Kansas City, Missouri will acquire the right-of-way necessary to construct a levee in the Byrams Ford Industrial Park to be located in the vicinity of 59th Street and Manchester Trafficway. This is to provide the equivalent of 30 year flood protection to the Industrial Park with the construction of a 4 to 6 feet high levee.

Commerce Bank of Kansas City, N.A. has been informed that the City will have the property, that is to be acquired for the right-of-way, appraised and will use the appraisal as the bases for arriving at a dollar amount to purchase the property for the right-of-way.

If Commerce Bank is satisfied with the settlement that the City proposes, it is their intent to transfer its remaining interest in Lot #6 to the Monet Battle of Westport Fund, Inc. as a donation.

Very truly yours,

COMMERCE BANK OF KANSAS CITY, N.A.

A handwritten signature in cursive script that reads "Gene F. Hahn".

Gene F. Hahn
Vice President

GFH:kab

INTER-OFFICE COMMUNICATION

No 04072

TO: Joe Lilley
FROM: Ken Kaul

OFFICE Corps of Engineers
OFFICE KC, Mo. Pub. Wks

SUBJECT Blue River Project - Byram's Ford

DATE 11-12-92

MESSAGE: Attached is the letter from Commerce Bank regarding the Byram's Ford agreement. Please attach this to the original agreement so it will be there when all parties sign.

George Satterlee will be able to sign for the City early ~~that~~ week of Nov 30. Let me know how you want to handle that.

SIGNED The City will need ~~three~~ three original signed copies for its records. (Public Works, City Clerk and Law).

Ken Kaul

DATE

SIGNED

ORDINANCE NO. 921244

Authorizing a four party cooperative agreement with the Corps of Engineers, Byram's Ford Industrial Park Association and the Monnett Battle of Westport Fund, Inc. relating to Blue River channel work adjacent to Byram's Ford Industrial and Historic Area.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Public Works is hereby authorized to enter into and execute on behalf of Kansas City, a four party cooperative agreement between and among the United States of America, through its Corps of Engineers; the City of Kansas City, a Missouri municipality; the Byram's Ford Industrial Park Association, an unincorporated association; and the Monnett Battle of Westport Fund, Inc., a not-for-profit corporation of the State of Missouri relating to the Byram's Ford Levee Alignment as part of the Blue River Channel Modification Project. The agreement shall be essentially in the form which is attached hereto and incorporated herein by reference.

Approved as to form and legality:



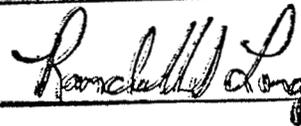
Assistant City Attorney

Authenticated as Passed

EMANUEL CLEAVER II, Mayor



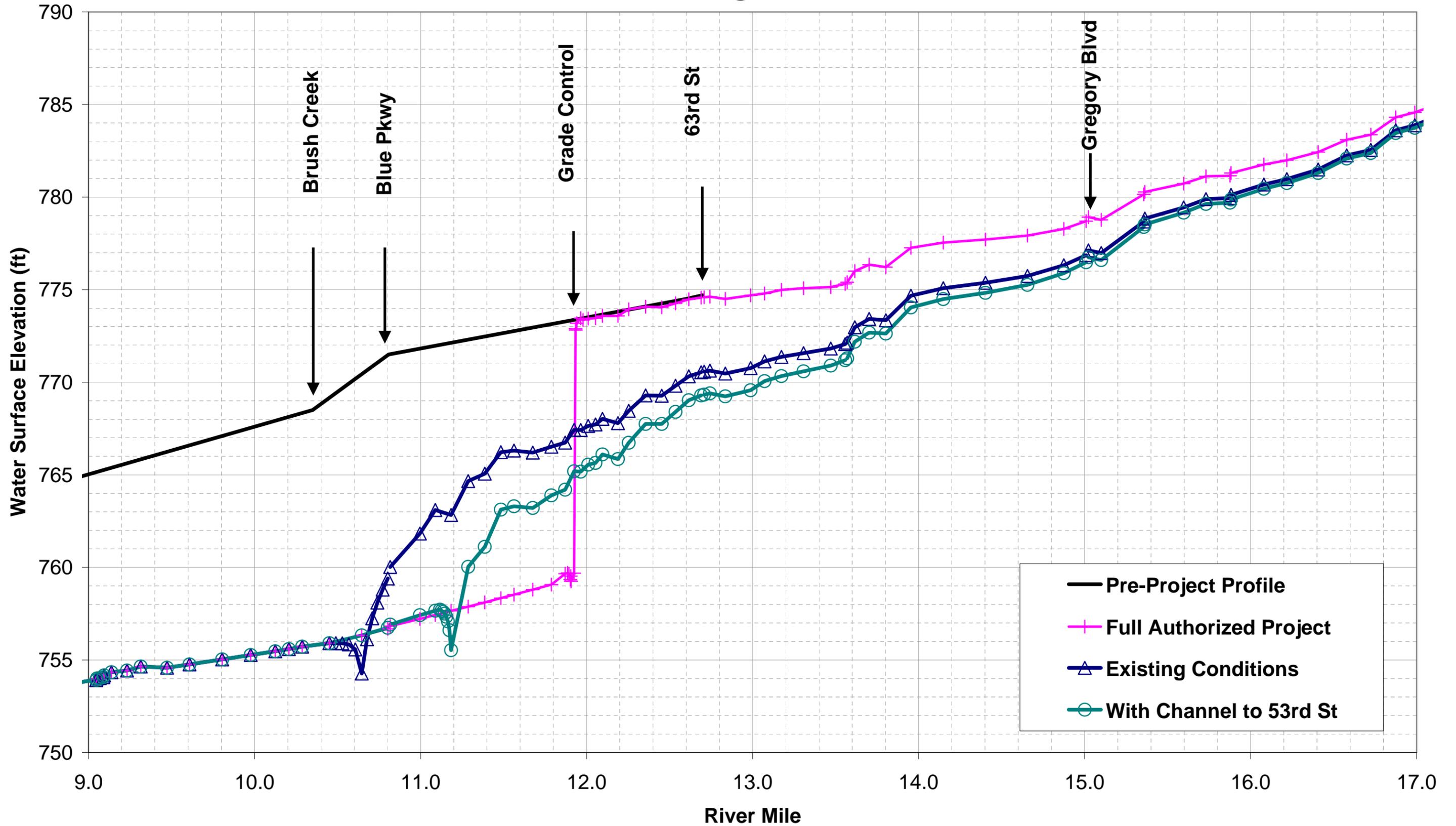
City Clerk

By 

Deputy City Clerk

NOV 12 1992

Blue River - Estimated Changes in Profile for 35,000 cfs



Blue River - Estimated Changes in 100-yr Profile

