

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWK-2008-00206
Issue Date: April 4, 2016
Expiration Date: April 25, 2016**

21-Day Notice

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Y Belton, LLC
9400 Reeds Road, Suite 100
Overland Park, KS 66207

PROJECT LOCATION (As shown on the attached drawings): The project is located in an unnamed tributary to Oil Creek and an adjacent wetland on approximately 40 acres of land located west of the intersection of Y Highway and Turner Road in Section 12, Township 46 North, Range 33 West, in Cass County, Missouri.

USGS Quad: MO – Belton
(Approximate Center - Latitude: 38.82318 -- Longitude: -94.52693)

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawing): The applicant proposes to pipe and fill 1,204 linear feet (LF) of an ephemeral stream (Ephemeral 1) and to grade and fill a 0.05 acre wetland for the construction of the “Belton Gateway II Commercial Development”. The purpose of the project, as stated by the applicant, is to provide commercial retail development. Facilities will include building and associated parking, roadways, utilities and other amenities. The impacts to the intermittent stream (Intermittent 1) associated with the realignment of Turner Road as shown on the attached drawing are being reviewed under a separate permit number (NWK-2016-00314).

WETLANDS/AQUATIC HABITAT: The Corps previously issued approved jurisdictional determinations for the property in 2008, 2009 and 2014. The project site includes a small 0.05 acre wetland and 1,640 LF of ephemeral stream (Ephemeral 1) and 1,255 LF of intermittent stream (Intermittent 1). The project site was formerly agricultural land with a forested riparian corridor along both streams. According to their application, the applicant mechanically cleared the forested portion adjacent to Ephemeral 1 within the project site in April 2015. The applicant is not proposing any additional tree clearing within the project area. Both Ephemeral 1 and Intermittent 1 flow to Oil Creek and ultimately to the Missouri River.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

According to their application, the applicant will avoid 463 LF of Ephemeral 1 and 717 LF of Intermittent 1. Furthermore, the applicant states that minimization will be achieved through incorporation of an upstream off-line wetland detention basin and a downstream in-line wetland detention basin to comply with municipal stormwater requirements. To mitigate for impacts to aquatic resources, the applicant proposes to purchase mitigation credits from the Clear Fork Wetland and Stream Mitigation Bank.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Justin Hughes, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Kansas City, Missouri, 64106 or by calling 816-389-3211 or via email at justin.w.hughes@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. According to the applicant, the permit area has been surveyed and the report coordinated with the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO). By letter dated December 23, 2009, the SHPO concurred with the investigator's recommendation that there will be no historic properties affected. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require additional surveys of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

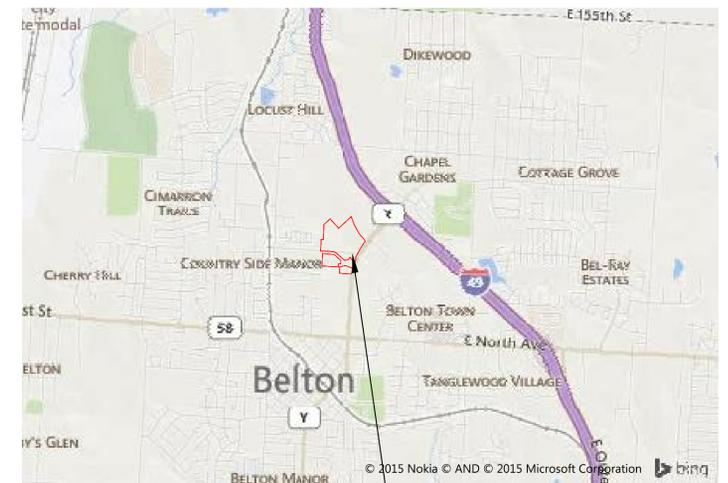
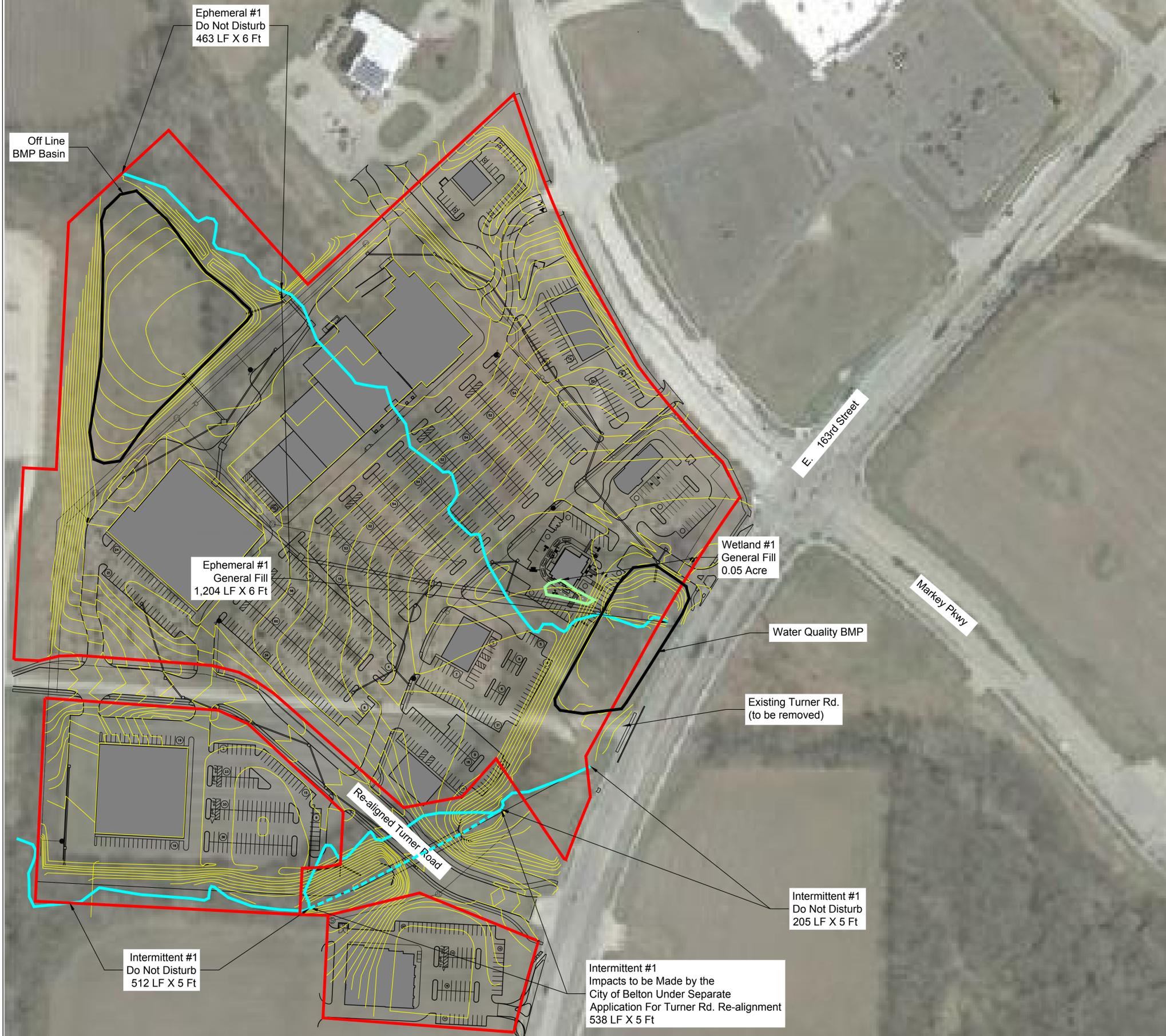
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the

proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

JURISDICTIONAL IMPACTS



Site Location
 T46N-R33W-S12
 Belton, Cass County, Missouri
 10.8 Acres
 Lat. N38.82318
 Long. W94.52693

