

PUBLIC NOTICE



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

**Permit No. NWK-2012-433
Issue Date: June 15, 2012
Expiration Date: July 6, 2012**

21-Day Notice

This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenter's are requested to furnish a copy of their comments to the Kansas Department of Health and Environment, Bureau of Water - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: Oddo Development Company, Inc.
8460 Nieman Road
Lenexa, Kansas 66214

PROJECT LOCATION (As shown on the attached drawings): The project is located on a tract of land having wetlands and an unnamed ephemeral tributary of the Blue River. The 28.29 acre project site is located in a developing area of the City of Leawood. It is located on the southeast corner of 137th Street and Mission Road. The project area is within the Northwest one-quarter of Section 34, Township 13 south, Range 25 east, in the City of Leawood, Johnson County, Kansas. [USGS QUAD: Lenexa, Kans. 24K]. Approximate Latitude: 38.880958° North; Longitude: -94.628167° West.

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

ACTIVITY (As shown on the attached drawings): **Proposed:** Oddo Development Company, Inc. proposes to develop the Siena Apartments. The proposed use of the site is a multi-family development to be split between two zoning classifications, with 2.19 acres of RP-3 and 26.01 acres of RP-4. A total of 290 living units are currently proposed for the project. The current plan has 34 buildings that have a combined gross square footage of 311,103 square feet, which correlates to a building footprint area equal to 229,965 square feet. The total open space for the site is 15.81 acres or 56.07%. The City of Leawood is requiring detention for the 2, 10, and 100 year storms in order to meet the APWA 5600 and EPA stormwater quality standards. Two manmade agricultural impoundments (ponds) need to be enlarged and the control structures need to be reconstructed to allow for the required detention. To limit the peak flow rates exiting the site, the existing agricultural impoundments are proposed to be modified, and expanded to provide detention for the community.

A Preliminary Jurisdictional Determination has been completed. An unnamed ephemeral stream, wetlands occurring in and adjacent to the agricultural impoundments, and wetlands occurring adjacent to and abutting the stream are considered to be jurisdictional for the Clean Water Act.

The project applicant proposes to place general fill materials into Pond #1 (0.52 acres open water area), Wetland #1 (0.06 acres), Wetland #2 (0.05 acres), Wetland #3 (0.77 acres), and Wetland #4 (0.18 acres). Ephemeral #1 is proposed to be permanently impacted by placing 90 feet of the stream into a pipe (0.02 acres). Refer to the attached drawings for locations of these features.

Storm water runoff will be routed through the site, maintaining similar northwest to southeast drainage patterns via open sheet flow, drainage swales and curb inlets and underground storm sewer system to the proposed basin. A series of best management practices (BMP's) are proposed to be incorporated into the development of the property to further assist in water quality management of the runoff from the proposed development. With proposed detention, limiting the flows from the development to pre-existing conditions at the site boundaries, the applicant does not anticipate any adverse impacts on the surrounding downstream drainage facilities. The perimeter around the agricultural impoundment will be established with native plant species.

WETLANDS/AQUATIC HABITAT: The project site is located near the top of the watershed. The upslope watershed area has contributed considerable amounts of sediment to the site identified as Wetland #3 (0.77 acres). This aquatic feature was formerly a man-made farm pond. As a result of sedimentation, the entire basin area is now identified as a palustrine emergent wetland which is semi-permanently flooded.

Ephemeral #1 is located at the north project area boundary. This unnamed tributary is near the headwaters of the watershed and flows into Wetland #3.

Wetland #2 is located within the drainage swale downstream of Wetland #3. Flow then enters an erosional feature then into Wetland #1. The downstream flow then passes through another erosional feature before entering Wetland #4. Wetland #4 is a fringe wetland of the Pond #1 water feature. Originally constructed as a farm pond, most of the pond area retains an open water area.

The wetlands are generally characterized as herbaceous and are relative low quality, dominated by introduced exotic grasses including Reed's Canarygrass (*Phalaris arundinacea*) and Tall Fescue (*Festuca arundinacea*), where displaying a hummocky growth habit. Native sedges include Frank's sedge (*Carex frankii*) and Fox sedge (*Carex vulpinoidea*). Yellow nutsedge or Chufa (*Cyperus esculentus*) is also found. Spike sedge is also found in some wetland areas (*Eleocharis compressa*).

The Kansas Stream Mitigation assessment worksheet (September 2010 ed.) was used to evaluate the aquatic resource impacts to the ephemeral tributary. The proposed project will require a total 276 Stream Mitigation Credits.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant states that due to the location of both former agricultural ponds, avoidance is not practicable as development code requires reconstruction to function as storm water quality and quantity basins. For compensation, the applicant contends the project is self-mitigating through the creation of 2.13 acres of jurisdictional wetlands and open water. If required, the applicant will purchase credits from an approved mitigation bank for unavoidable impacts to jurisdictional surface waters.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Michael T. McFadden at U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Kansas City, Missouri, 64106, by telephone at (816) 389-3432 or by FAX at (816) 389-2032. All comments to this public notice should be directed to the above address. Please reference Permit No. NWK 2012-433 in all comments and/or inquiries relating to this project.

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. This is the extent of our knowledge about historic properties in the permit area at this time. We will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officer (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require an additional survey 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

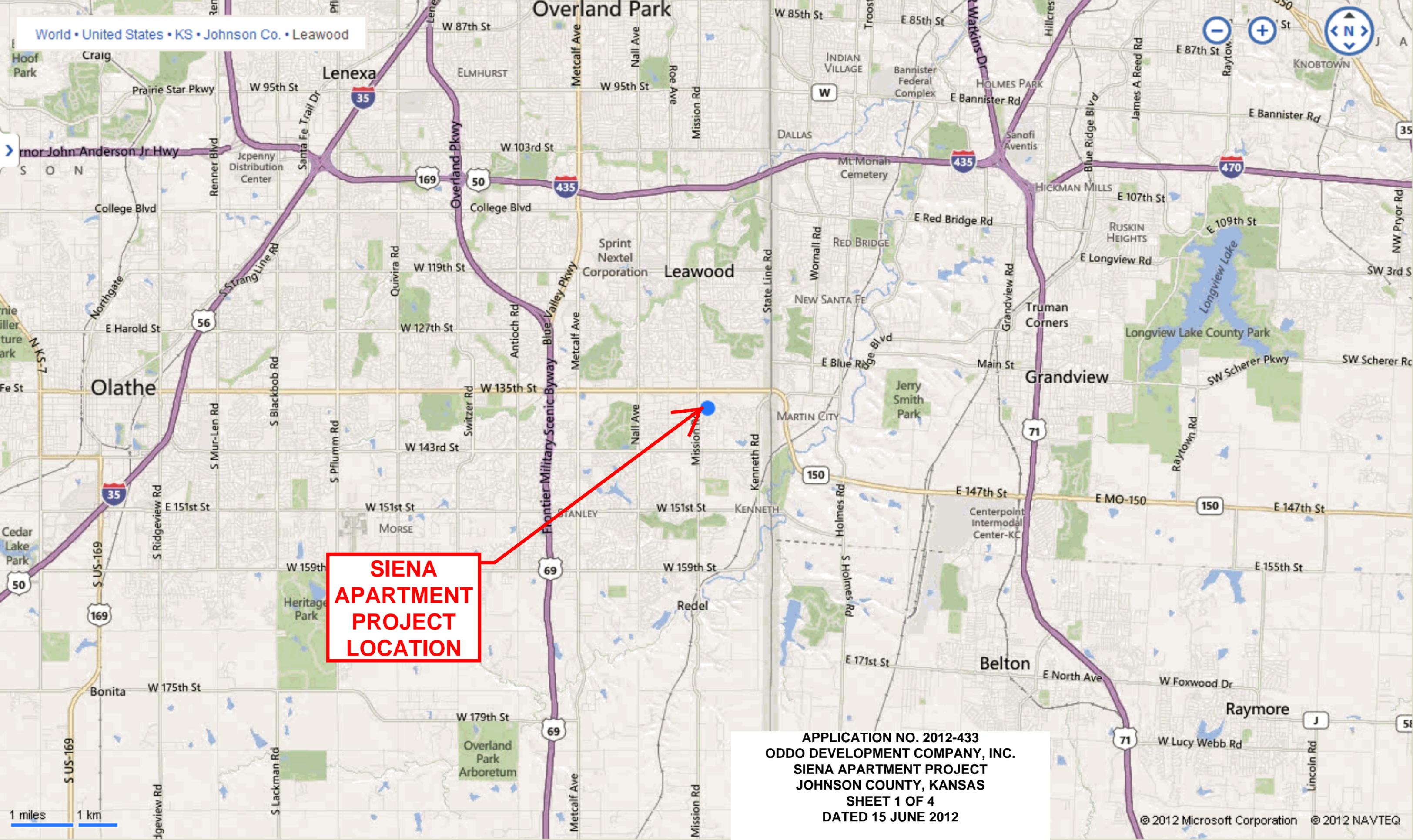
decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant 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 3 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.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>



**SIENA
APARTMENT
PROJECT
LOCATION**

APPLICATION NO. 2012-433
ODDO DEVELOPMENT COMPANY, INC.
SIENA APARTMENT PROJECT
JOHNSON COUNTY, KANSAS
SHEET 1 OF 4
DATED 15 JUNE 2012

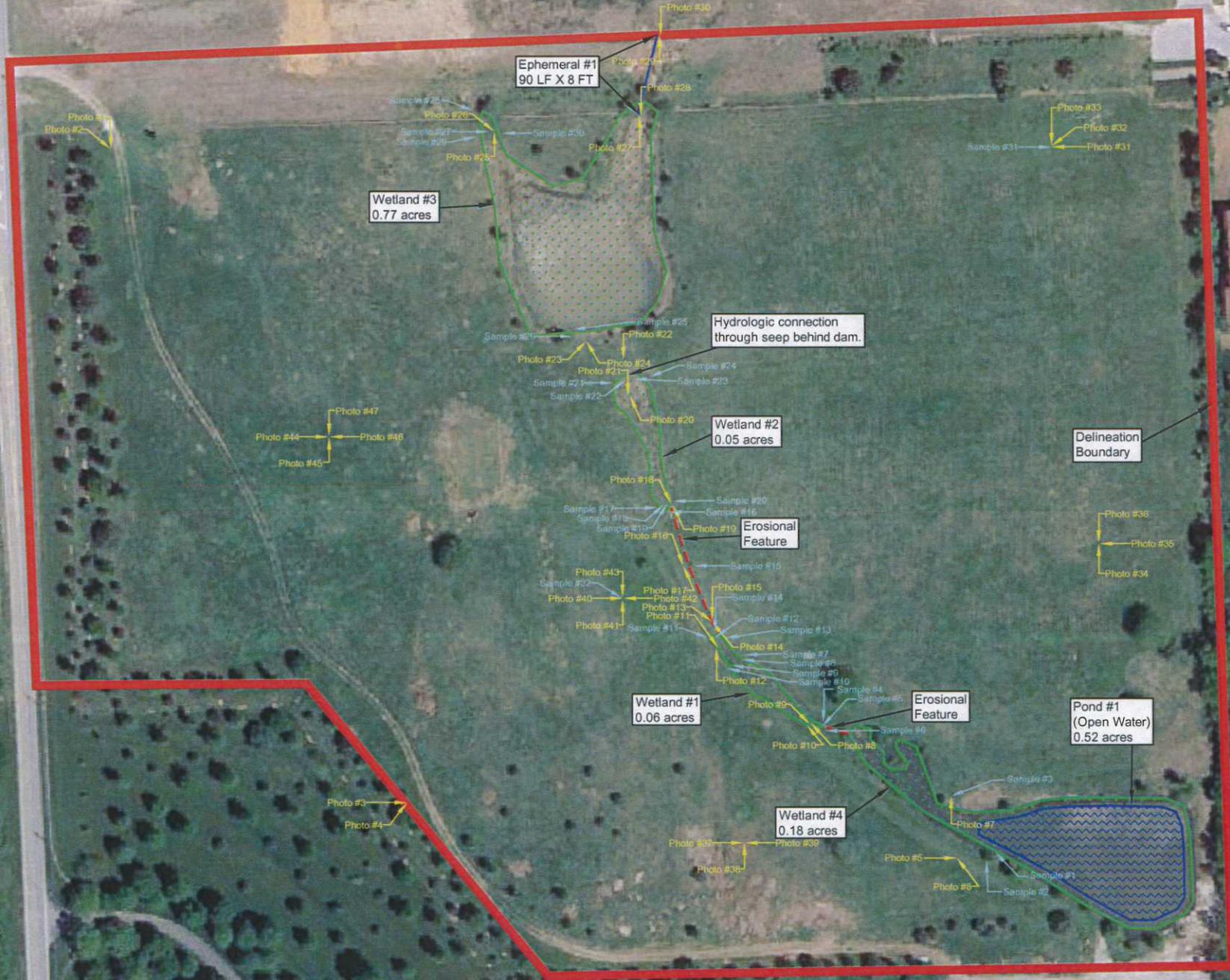
APPLICATION NO. 2012-433
 ODDO DEVELOPMENT COMPANY, INC.
 SIENA APARTMENT PROJECT
 JOHNSON COUNTY, KANSAS
 SHEET 2 OF 4
 DATED 15 JUNE 2012

JURISDICTIONAL ASSESSMENT

Pond 1: 0.52 acres
TOTAL POND AREA: 0.52 ACRES

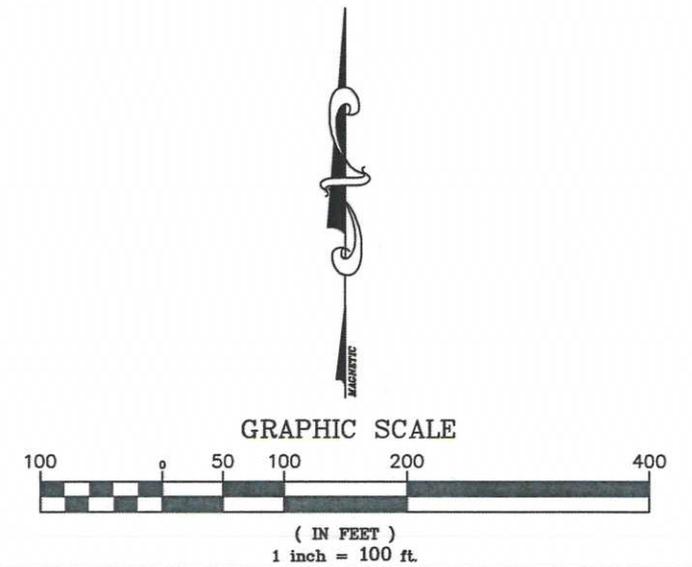
Wetland 1: 0.06 acres
Wetland 2: 0.05 acres
Wetland 3: 0.77 acres
Wetland 4: 0.18 acres
TOTAL WETLAND AREA: 1.06 ACRES

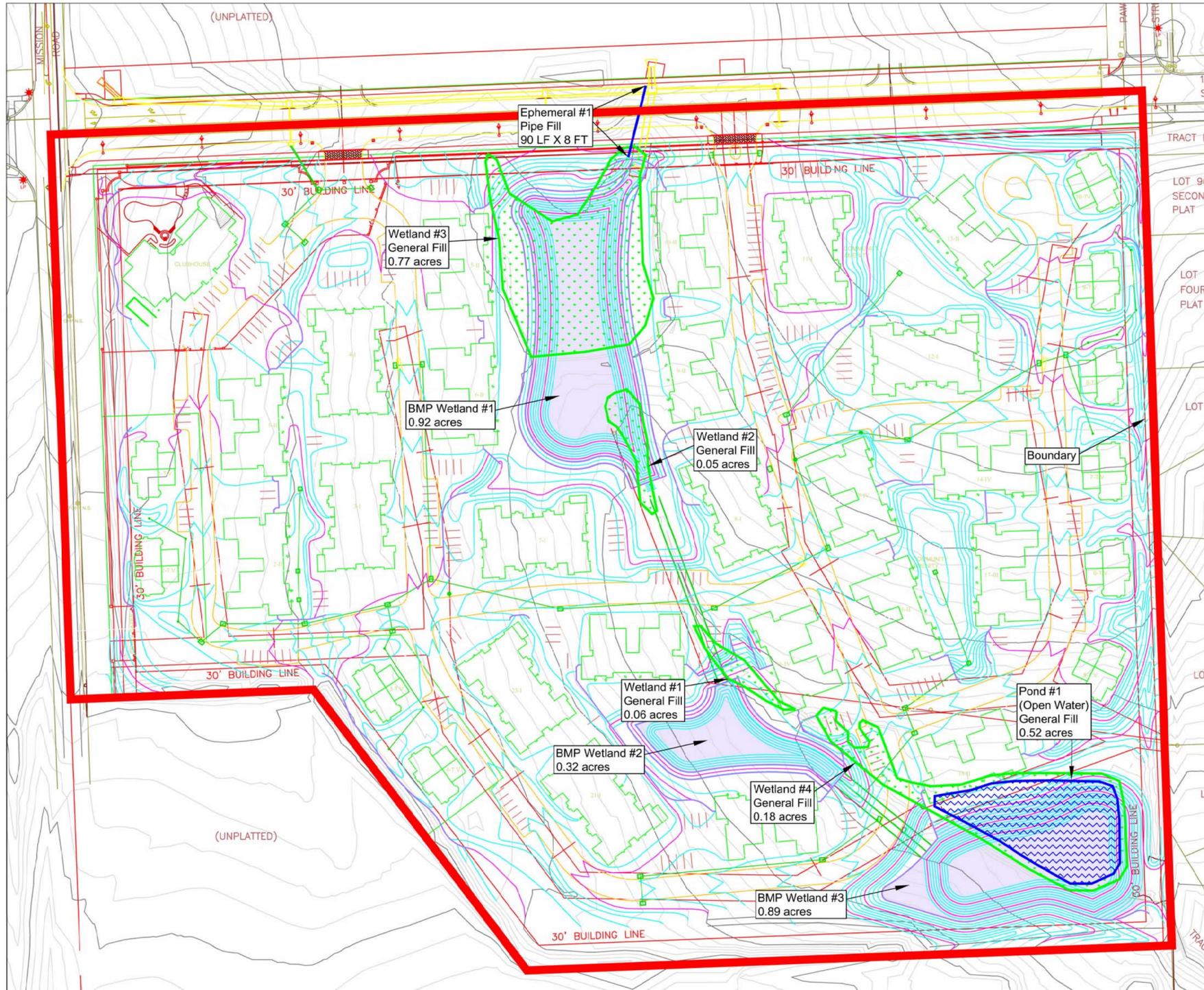
Ephemeral 1: 90 LF, OHWM: 8 FT,
Riparian Corridor < 50 FT
TOTAL EPHEMERAL LENGTH: 90 LF



Site Location
 T13S-R25E-S34
 Leawood, Johnson County, Kansas
 27 Acres

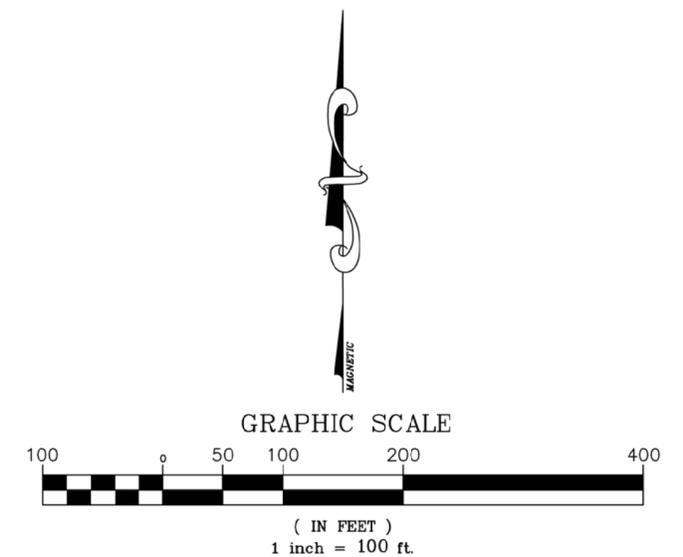
**WETLAND DELINEATION
 MAP**





**PROJECT SITE MAP
 &
 PROPOSED IMPACTS TO
 JURISDICTIONAL WATERS**

Possible Jurisdictional U.S. Waters/Type	Type of Impact				Impact Total (Acres)
	General Fill		Pipe Fill		
	Length	Width	Length	Width	
Pond #1	0.52 acres				0.52 acres
Wetland #1	0.06 acres				0.06 (acres)
Wetland #2	0.05 acres				0.05 (acres)
Wetland #3	0.77 acres				0.77 (acres)
Wetland #4	0.18 acres				0.18 (acres)
Ephemeral #1			90	8	0.02 (acres)



135TH STREET

PROJECT AREA BOUNDARY

NORTH

MISSION ROAD

APPLICATION NO. 2012 - 433
ODDO DEVELOPMENT COMPANY, INC.
SIENA APARTMENT PROJECT
JOHNSON COUNTY, KANSAS
SHEET 4 OF 4
DATED 15 JUNE 2012

366 ft

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lat 38.880550° lon -94.628005° elev 0 ft

Imagery Date: 6/6/2011

1991

Eye alt 1582 ft

