

PUBLIC NOTICE



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

**Permit No. NWK-2013-408
Issue Date: October 6, 2015
Expiration Date: October 27, 2015**

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: Paragon Star, LLC
801 NW Commerce Drive
Lee's Summit, MO 64086

PROJECT LOCATION (As shown on the attached drawings): The project site is 135 acres of land located northeast of the intersection of I-470 and View High Drive in Sections 27 and 34, Township 48 North, Range 32 West, in Jackson County, Missouri.

USGS Quad: MO – Lees Summit
(Approximate Center - Latitude: 38.9411803 -- Longitude: -94.4428408)

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

ACTIVITY (As shown on the attached drawings): **PROPOSED:** The applicant proposes to pipe and fill 680 linear feet (LF) of two ephemeral streams for construction of two separate road crossings and to grade and fill 90 LF of ephemeral stream, seven individual wetlands, (22.04 acres) and a 0.41 acre open water pond for construction of the "Paragon Star Development". The purpose of the project, as stated by the applicant, is to provide a large sporting complex and mixed use development. Facilities will include soccer fields, residential and retail development and associated parking, roadways, utilities and other amenities.

WETLANDS/AQUATIC HABITAT: The project site includes eight individual wetlands totaling 22.8 acres and seven streams totaling 7,052 LF. The largest wetland is 19.36 acres and dominated by reed canary grass, an invasive species, and hummock fescue. The smaller emergent wetlands are mostly dominated by cattails, and the forested wetlands consist mostly of black willow. The Little Blue River, a perennial stream, flows across the southern portion of the site for 3,982 LF. A small segment (183 LF) of Cedar Creek, a perennial stream, is located in the southeast corner of the project site and flows into the Little Blue River. The site also contains 3,070 LF of ephemeral and intermittent streams. The streams vary in size and are

mostly surrounded by a substantial riparian forested corridor dominated by oaks, silver maple, cottonwood, hackberry and coral berry. The ephemeral and intermittent streams all ultimately flow to the Little Blue River. The site also contains a 0.41 acre non-jurisdictional pond.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: According to their application, the applicant will avoid 6,282 LF or 89% of the streams located onsite. Impacts to Tributary 1, the Little Blue River, and Tributary 6 will be avoided by constructing a span bridge and roadway culverts will be designed to allow for passage of aquatic organisms. Furthermore, the applicant states that minimization will be achieved through temporary and permanent stormwater best management practices during and post construction. To mitigate for impacts to aquatic resources, the applicant proposes to perform permittee responsible mitigation and/or purchase mitigation credits from an approved mitigation bank /in-lieu-fee provider.

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. 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 April 4, 2014, 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: The project area is within the known range and contains suitable habitat for the northern long-eared bat (*Myotis septentrionalis*) and the Indiana bat (*Myotis sodalis*). In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect the northern long-eared bat and the Indiana bat. 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

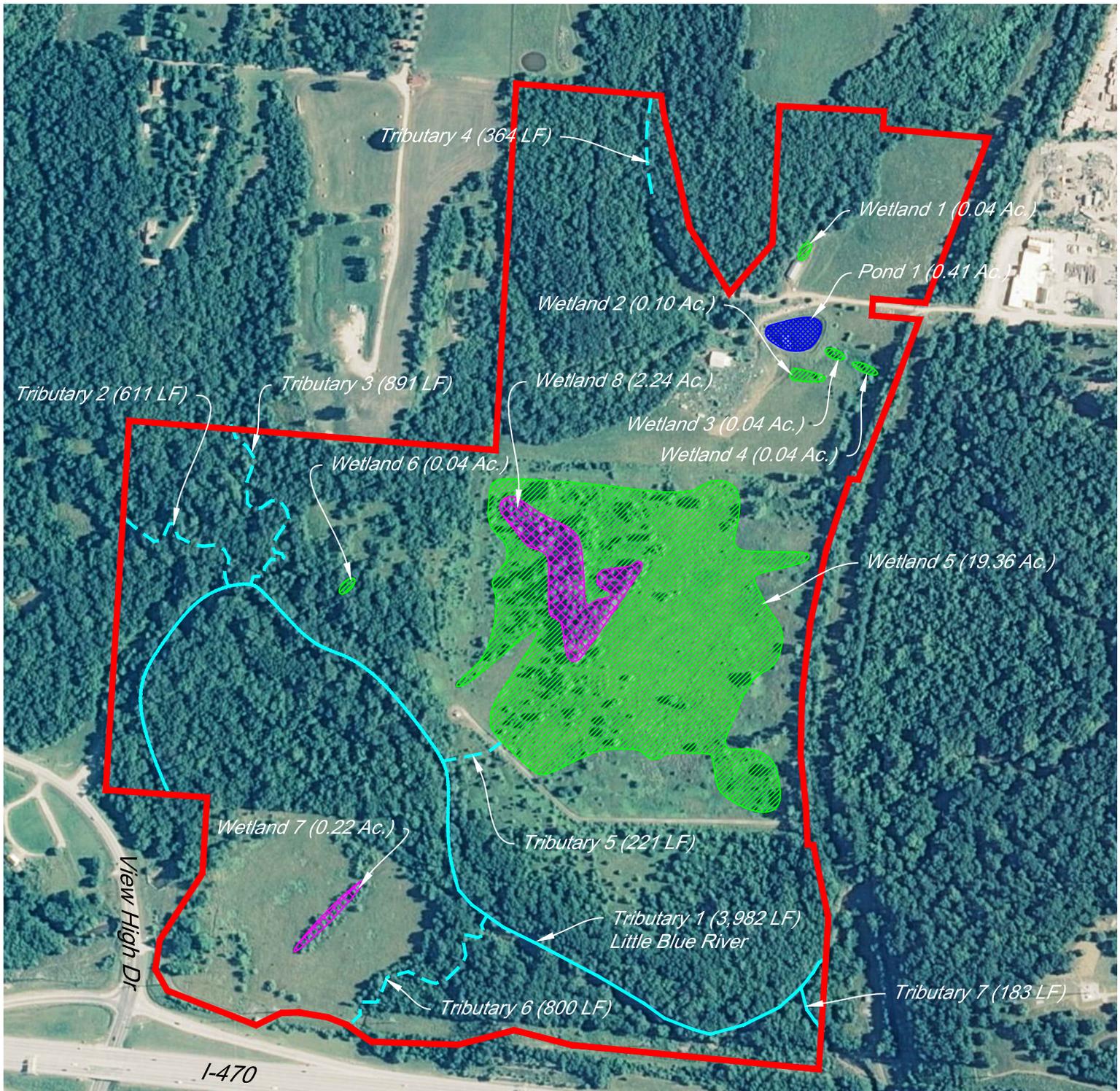
certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

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.

Waters of the US



LEGEND

- Project Area
- Perennial Channel
- - - Ephemeral/Intermittent Channel
- Forested Wetland
- Emergent Wetland

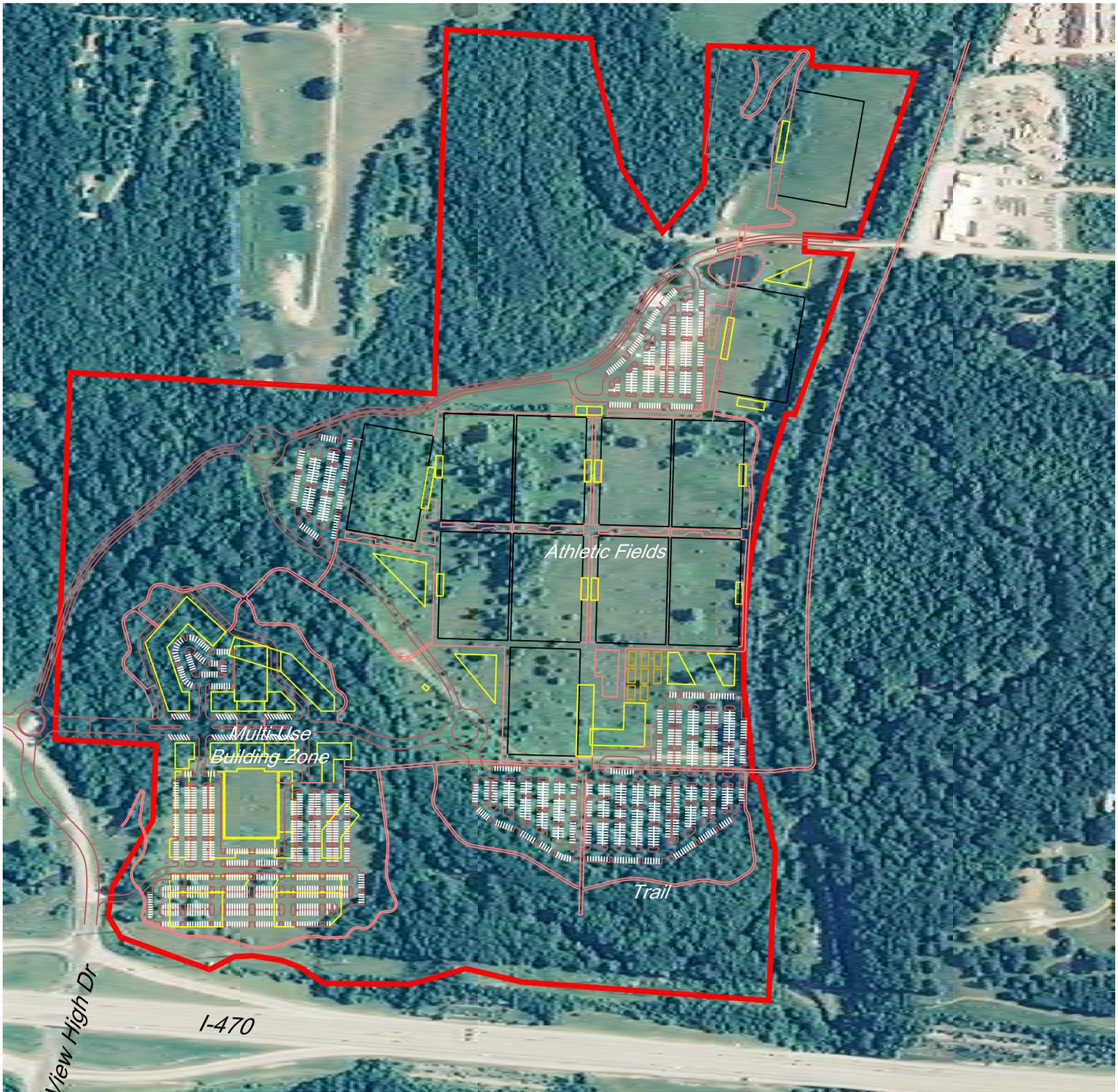


Source: 2012 Missouri CARES – cares.missouri.edu
2010 National Agricultural Imagery Program

Project Location: NW $\frac{1}{4}$ of Section 34 and SW $\frac{1}{4}$ of Section 27,
Township 48N, Range 32W

APPLICATION NO. NWK-2013-408
PARAGON STAR, LLC
GRADING AND FILLING
LITTLE BLUE RIVER
JACKSON COUNTY, MISSOURI
SHEET 2 OF 4
DATED 6 OCTOBER 2015

Site Plan



Source: 2012 Missouri CARES – cares.missouri.edu
2010 National Agricultural Imagery Program

Project Location: NW $\frac{1}{4}$ of Section 34 and SW $\frac{1}{4}$ of Section 27,
Township 48N, Range 32W

LEGEND

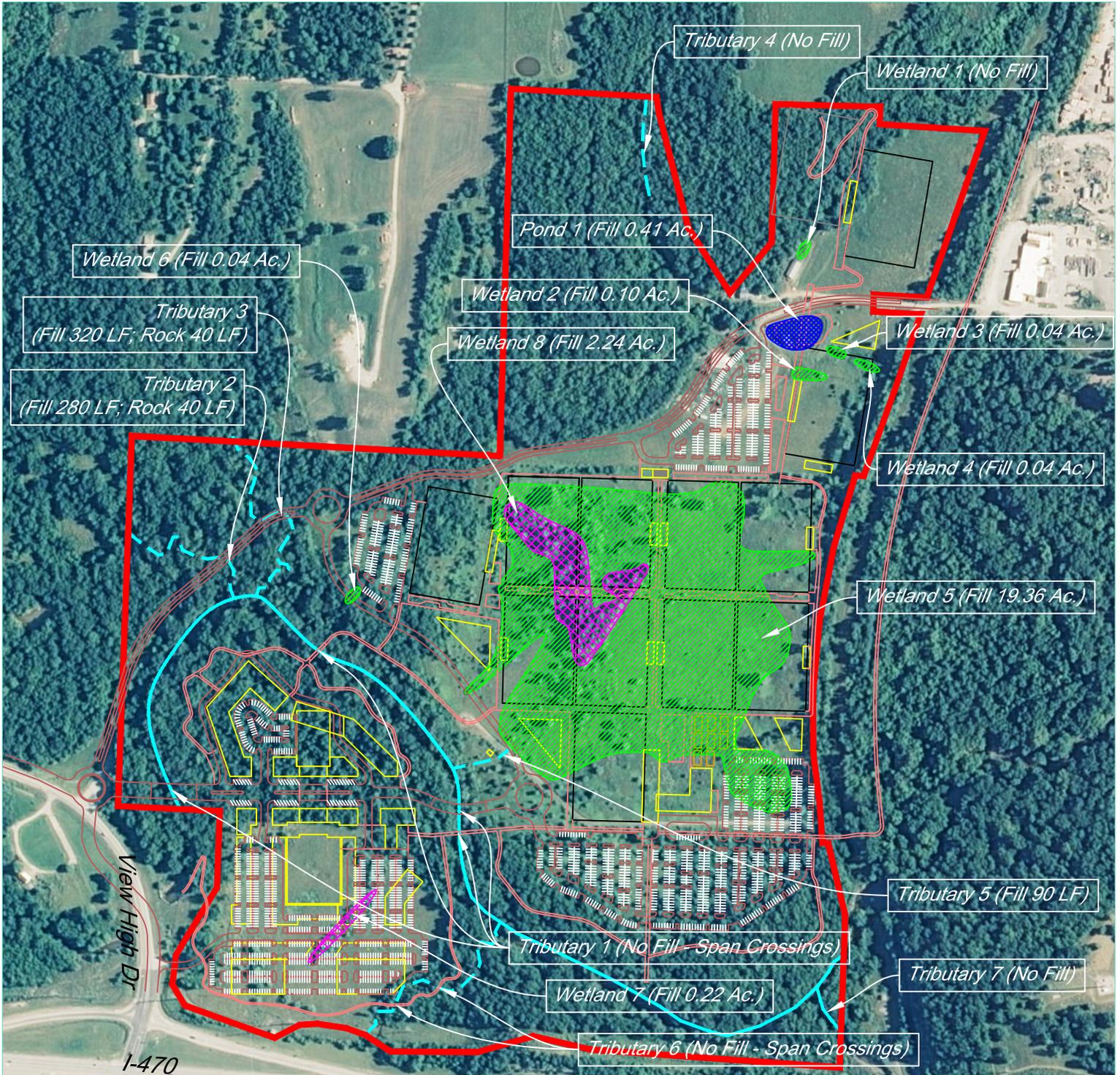
 Project Area



1"=500'

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SHEET 3 OF 4
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Site Plans with Waters



View High Dr
I-470

LEGEND

- Project Area
- Perennial Channel
- - - Ephemeral/Intermittent Channel
- Forested Wetland
- Emergent Wetland

1"=500'

PROJECT FILLS

- Tributary 2 - 280 LF (soil/pipe fill); 40 LF (rock protection)
- Tributary 3 - 320 LF (soil/pipe fill); 40 LF (rock protection)
- Tributary 5 - 90 LF (soil fill)
- Wetland 2 - 0.10 acre (soil fill)
- Wetland 3 - 0.04 acre (soil fill)
- Wetland 4 - 0.04 acre (soil fill)
- Wetland 5 - 19.36 acres (soil fill)
- Wetland 6 - 0.04 acre (soil fill)
- Wetland 7 - 0.22 acre (soil fill)
- Wetland 8 - 2.24 acres (soil fill)
- Pond 1 - 0.41 acre (soil fill)

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