

PUBLIC NOTICE



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

**Permit No. NWK-2014-1241
Issue Date: October 14, 2015
Expiration Date: November 4, 2015**

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. Commenters 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.

Please note the Corps previously issued a public notice for this same property on November 20, 2014. A permit was never issued. The old public notice had the same permit number, NWK-2014-01241, but included a different applicant, project name and site plan.

APPLICANT: Vantage at Shawnee
One Burlington Place
1004 Farnam Street, Suite 400
Omaha, NE 68102

PROJECT LOCATION (As shown on the attached drawings): The project site is approximately 36 acres of land located adjacent to Pflumm Road in Section 9, Township 12 South, Range 24 East, in Shawnee, Johnson County, Kansas.

USGS Quad: KS-Shawnee.
(Latitude: 39.018163 – Longitude: -94.744634)

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

ACTIVITY (As shown on the attached drawings): **PROPOSED:** The applicant proposes to permanently grade and fill approximately 300 linear feet (LF) of ephemeral stream, 250 LF of intermittent stream and 0.33 acres of jurisdictional wetlands for a multi-family residential development referred to as the Vantage at Shawnee Apartments. The applicant would also convert a 0.9 acre jurisdictional pond into a storm water detention area. Impacts to jurisdictional waters will result from the construction of the apartment complex, roadways, utilities and other associated amenities.

WETLANDS/AQUATIC HABITAT: The project site contains a 0.25 acre palustrine emergent wetland and a 0.08 acre palustrine forested wetland. The project site also contains a 0.9 acre open water pond which was constructed within waters of the United States and 950 LF of ephemeral stream and 250 LF of intermittent stream.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: According to their application, the applicant evaluated the development of three alternate parcels which would have similar impacts to waters of the United States at the project site. According to their submittal, the applicant states he will avoid approximately 650 LF of ephemeral stream. The applicant proposes to mitigate for unavoidable impacts through the purchase of wetland and stream credits at an approved mitigation bank or 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.

STATE AUTHORIZATION: The applicant has applied for a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305.

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. A cultural resource survey of the property was performed on August 15-16, 2015. Although artifacts were discovered, it was the investigators recommendation that they are not considered eligible for the national register. 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.

ENDANGERED SPECIES: The project area is within the known range and contains suitable habitat for the northern long-eared bat (*Myotis septentrionalis*), a threatened species. In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect, but is not likely to adversely affect the northern long-eared bat. The Corps will request US Fish and Wildlife Service's concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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.

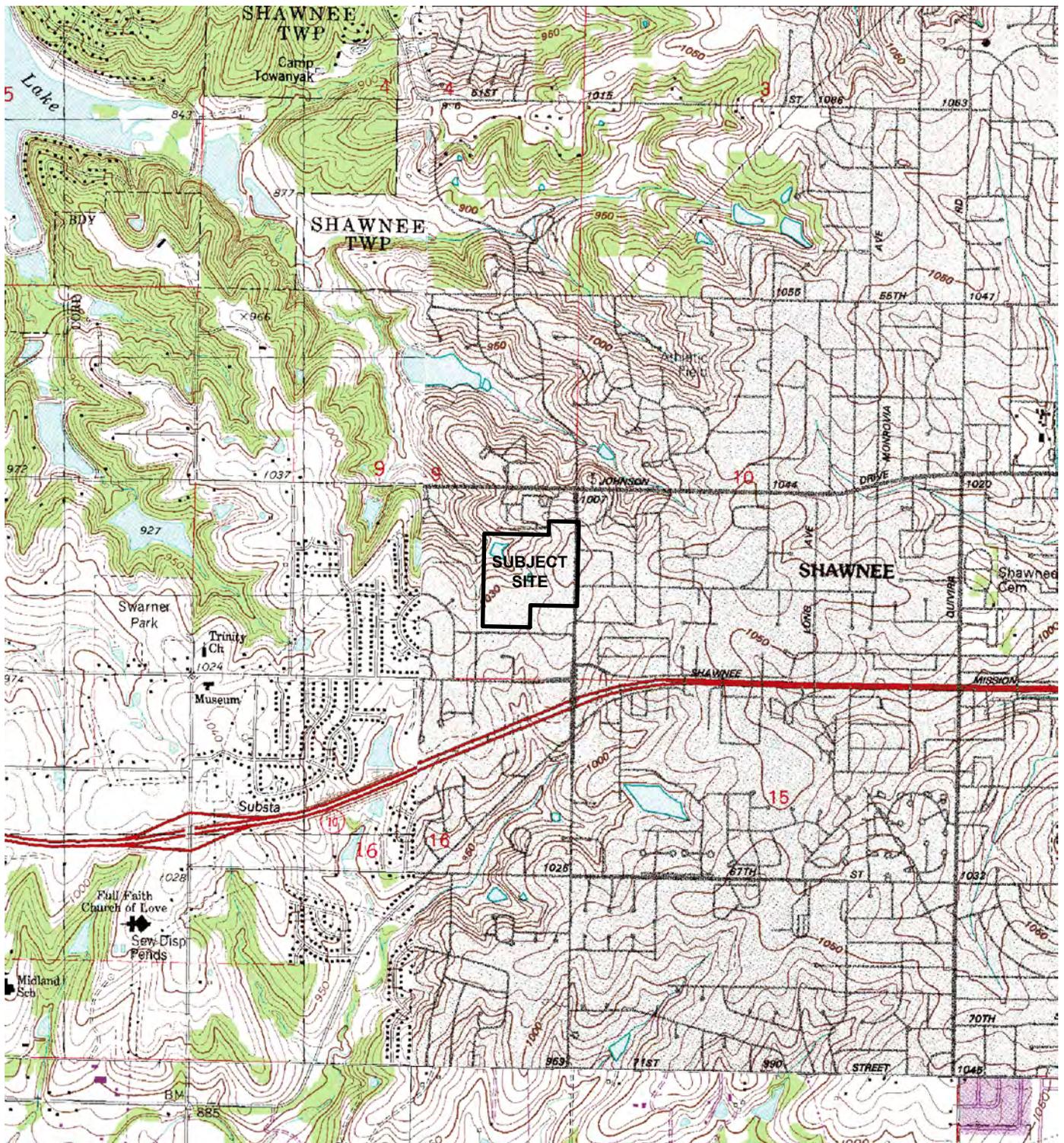
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application 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.



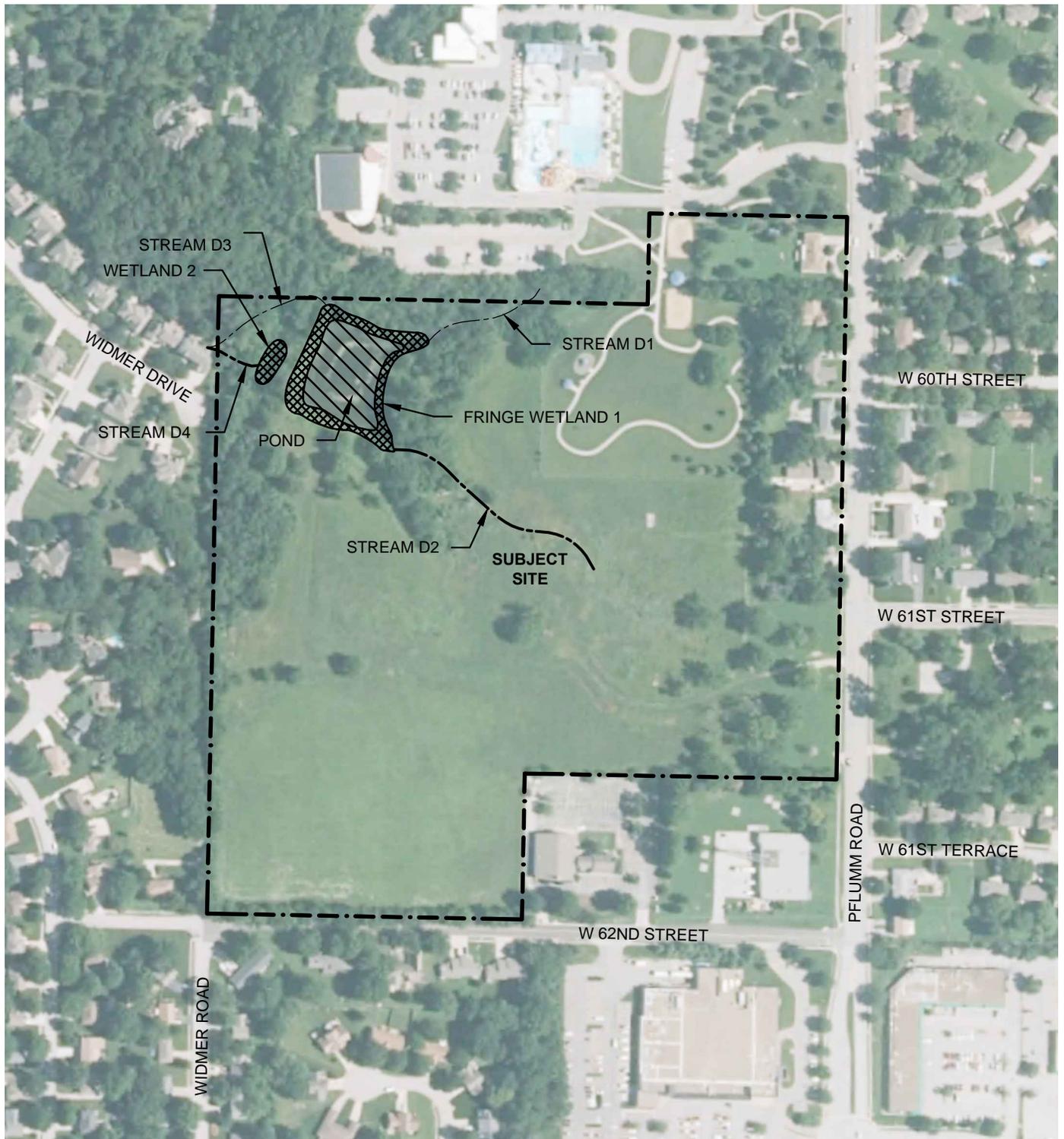
SHAWNEE QUADRANGLE
 KANSAS - JOHNSON COUNTY
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 1991

APPROXIMATE SE/4
 OF SECTION 9, TOWNSHIP 12
 SOUTH, RANGE 24 EAST.

DIAGRAM IS INTENDED FOR GENERAL USE ONLY, AND IS NOT
 FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.



APPLICATION NO. NWK-2014-1241
 VANTAGE AT SHAWNEE
 GRADING AND FILLING
 JOHNSON COUNTY, KANSAS
 SHEET 1 OF 3
 DATED 14 OCTOBER 2015



2014 AERIAL PHOTOGRAPH PROVIDED
 BY THE STATE OF KANSAS DATA
 ACCESS AND SUPPORT CENTER.

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 VANTAGE AT SHAWNEE
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