

# PUBLIC NOTICE



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

**Permit No. NWK-2015-02320  
Issue Date: April 13, 2016  
Expiration Date: May 13, 2016**

**30-Day Notice**

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**CENTRAL PLAINS/BLACKWATER/LAMINE WETLAND AND STREAM  
UMBRELLA MITIGATION BANK INSTRUMENT  
AND  
THE BLUE BRANCH WETLAND  
AND STREAM MITIGATION SITE #1**

This notice is to announce the **proposed** establishment of the Central Plains/Blackwater/Lamine Wetland and Stream Umbrella Mitigation Bank Instrument (Umbrella Bank Instrument). The Kansas City District, Corps of Engineers, Regulatory Branch requests comments from the public and from local government agencies and State and Federal resource agencies concerning the proposed establishment of this Umbrella Bank Instrument. If approved by the District Engineer, in consultation with the Interagency Review Team (IRT), the mitigation sites established under this Umbrella Bank Instrument will be used to replace lost aquatic resources that result from Department of the Army (DA) permits issued for the discharge of dredged or fill material into waters of the United States. If a final Umbrella Bank Instrument is approved, the Corps of Engineers will authorize the construction of this first mitigation site described below and all subsequent mitigation project sites proposed by the sponsor in the service area described in the Umbrella Bank Instrument using Nationwide Permit (NWP) No. 27, Aquatic Habitat Restoration, Establishment and Enhancement Activities.

The Prospectus, for this proposed Umbrella Bank Instrument, is available for review at: <http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>. Please review the Prospectus for this proposed Umbrella Bank Instrument and provide comments to: U.S. Army Corps of Engineers, Kansas City District, Regulatory Branch, 601 East 12th Street, Room 402, Kansas City, Missouri 64106, ATTN: Justin Hughes. Please include the Corps of Engineers permit number (NWK-2015-02320) in your comment letter.

The first compensatory mitigation site proposed under the Umbrella Bank is the Blue Branch Wetland and Stream Mitigation Site # 1 (Blue Branch Mitigation Site # 1).

**APPLICANT/SPONSOR:** Swallow Tail, LLC  
24820 Miller Road  
Harrisonville, Missouri 64701

**UMBRELLA BANK SERVICE AREA:** The proposed service area for the Umbrella Bank is comprised of the Central Plains/Blackwater/Lamine Ecological Drainage Unit located entirely within Missouri. The boundaries of the service area are shown in Figure 3 of the Umbrella Bank Prospectus. The Blue Branch Mitigation Site # 1 service area will be the same as the Umbrella Bank.

**PROJECT LOCATION** (As shown on the attached drawings): The first mitigation project site, Blue Branch Mitigation Site #1, is located primarily within the floodplain of Blue Branch, in Sections 33, 34 and 35, Township 49 North, Range 30 West and in Sections 2 and 3, Township 48 North, Range 30 West, in Jackson County, Missouri.

USGS 1:24K Quad – MO-Oak Grove  
Approximate Center - Latitude: 39.004491 -- Longitude: -94.204693

The bank sponsor may propose additional mitigation project sites within the boundary of this proposed service area in order to continue to provide available mitigation credits to DA permit recipients.

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

**MITIGATION ACTIVITIES:** Swallow Tail, LLC proposes to establish the first compensatory mitigation project site, under this proposed Umbrella Bank Instrument, by establishing (creating), restoring, enhancing and preserving aquatic resources and upland resources on approximately 172 acres of land adjacent to Blue Branch. In addition, the stream channel grade will be restored and accelerated bank erosion will be addressed in Blue Branch and other stream channels on the property using various stream restoration methods. Most of the land area consists of forested riparian corridor adjacent to Blue Branch. The eastern portion of the property consists of approximately 36 acres of agricultural land which includes a large farmed wetland which will be restored. The sponsor proposes to cease farming the agricultural land and then maintain the constructed mitigation areas in perpetuity.

Mitigation Site #1 will be owned by Habitat Missouri, LLC and Terra Foundation, Inc. The sponsor proposes to maintain the property, in perpetuity, as wildlife habitat for both aquatic and for terrestrial species. The Sponsor, in partnership with the City of Grain Valley Parks and Recreation Department, plans to create a permanent trail system within the property. The trail will be excluded from the mitigation site and no mitigation credit will be awarded for portions of the property where the trail is constructed.

The sponsor proposes to place a conservation easement on the property in order to restrict the use and the activities that are allowed to take place on the mitigation land. The sponsor proposes to grant the conservation easement to the Midwest Mitigation Oversight Association (MMOA) in order to assure the sponsor and any subsequent owner complies with the easement stipulations. The MMOA has been approved by the Kansas City District, Corps of Engineers, to hold easements on compensatory mitigation sites. As a grantee, the MMOA is responsible for enforcing the stipulations of the conservation easement in perpetuity. Any fees associated with the perpetual easement are strictly negotiated between the sponsor and the easement grantee.

The sponsor will be responsible for the development and the implementation of the construction work plan and the adaptive management plan, if necessary, to achieve performance standards. When described performance standards are met at the mitigation project site, the mitigation credits become eligible to be released and can then be sold to DA permit recipients. The sponsor is also responsible for the long-term management plan and will maintain the created habitats in

perpetuity. Financial assurances, for construction and for long-term management, will be provided by means of an irrevocable Letter of Credit (LOC) from an FDIC member financial institution. The Corps must approve the monetary value of the LOC for both construction of the project and for the long-term management of the site.

**WETLANDS/AQUATIC HABITAT:** The Corps of Engineers is in the process of preparing an approved jurisdictional determination for the existing streams and wetlands located within Blue Branch Mitigation Site #1. The attached jurisdictional assessment prepared by the delineation consultant shows 11.69 acres of wetlands, 1,939 linear feet of ephemeral stream, 1,874 linear feet of intermittent stream and 17,331 linear feet of perennial stream. The site also contains approximately 9.38 acres of open water ponds. The surrounding area consists mostly of residential development, a high school and a small amount of commercial development.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** As part of the establishment and the operation of the Umbrella Bank, the sponsor shall avoid and minimize all impacts to jurisdictional waters to the maximum extent possible unless the impact is determined by the Corps to be necessary or desirable for habitat or aquatic ecosystem function improvement. The overall purpose of the project is to restore aquatic resources to serve as replacement of aquatic resources lost from the issuance of DA permits. Should placement of fill material into jurisdictional waters be determined to be necessary, or desirable, as part of the Bank's design, the sponsor shall submit a DA permit application to the Corps for review. Mitigation activities within waters of the United States will be authorized by Nationwide Permit No. 27.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Mr. Justin W. Hughes, U.S. Army Corps of Engineers, Kansas City District, Regulatory Branch, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106, telephone: 816-389-3211 or email: [justin.w.hughes@usace.army.mil](mailto:justin.w.hughes@usace.army.mil). All comments to this public notice must be directed to Mr. Hughes and contain the project number (NWK-2015-02320).

**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 (NRHP) and the Federal Register and no property listed in the Register or proposed for listing is located in the vicinity of Blue Branch Mitigation Site #1. The mitigation site has been surveyed resulting in the discovery of one archeological site. It was the investigators recommendation that the site was not eligible for listing on the NRHP. The report was coordinated with the Missouri Department of Natural Resources State Historic Preservation Office (SHPO Log Number (152-JA-13). 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 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.

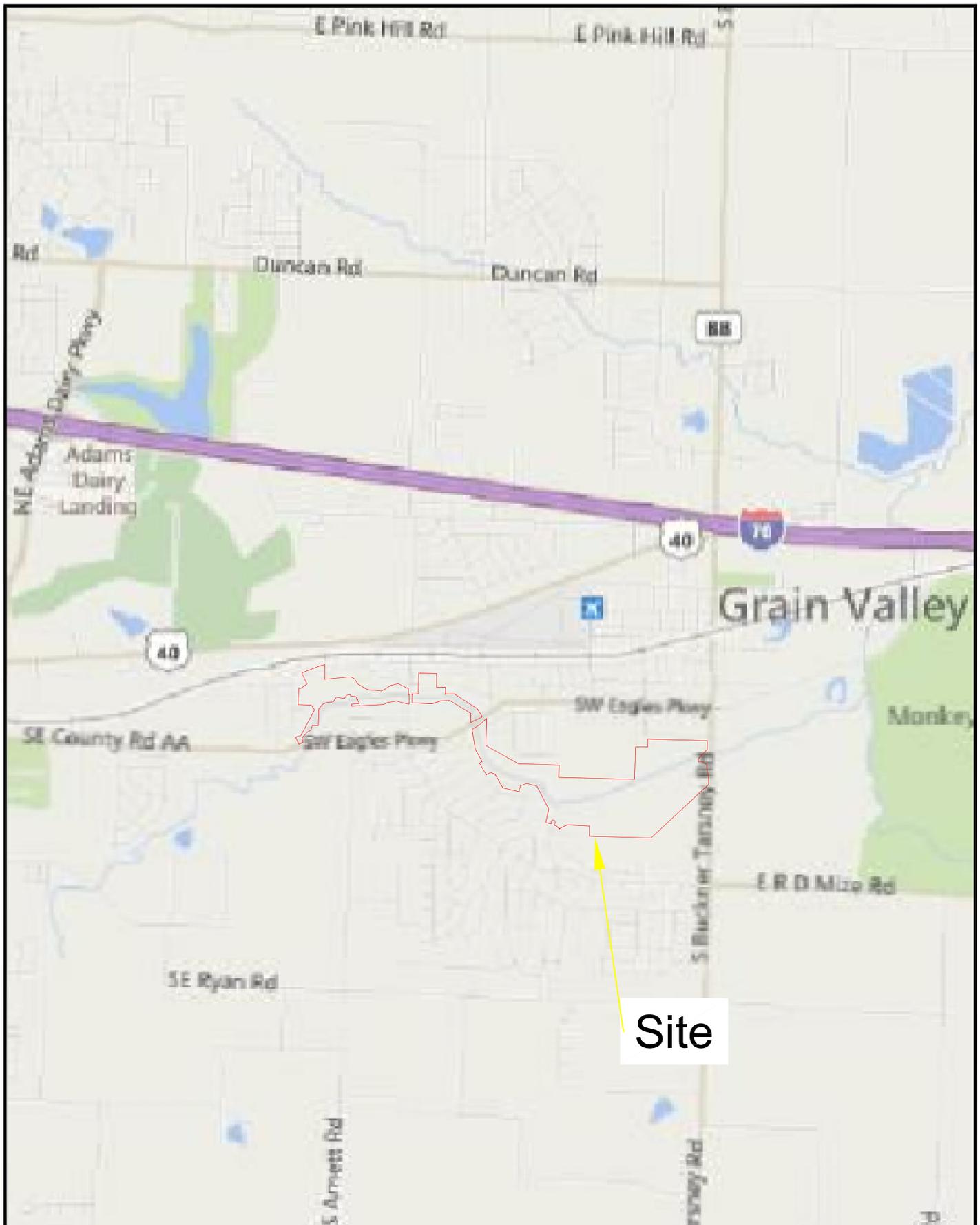
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies 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. 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. Any activities within waters of the United States associated with construction of the mitigation bank will be verified under NWP No. 27, Aquatic Habitat Restoration, Establishment and Enhancement Activities. The Missouri Department of Natural Resources has issued water quality certification for NWP No. 27.

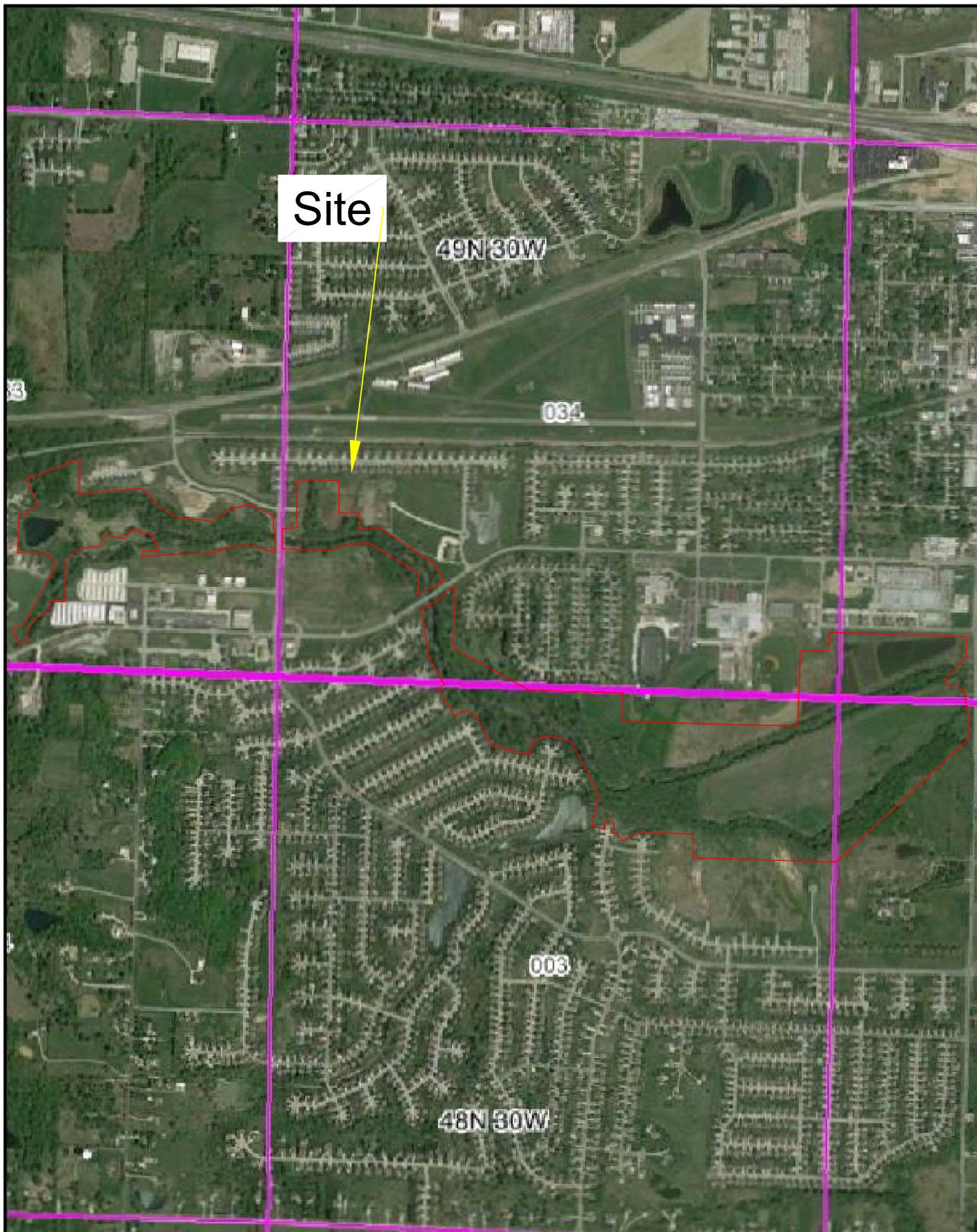
**PUBLIC INTEREST REVIEW:** The decision to authorize the Umbrella Bank Instrument and issue a permit authorizing construction of the Bank will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect 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.

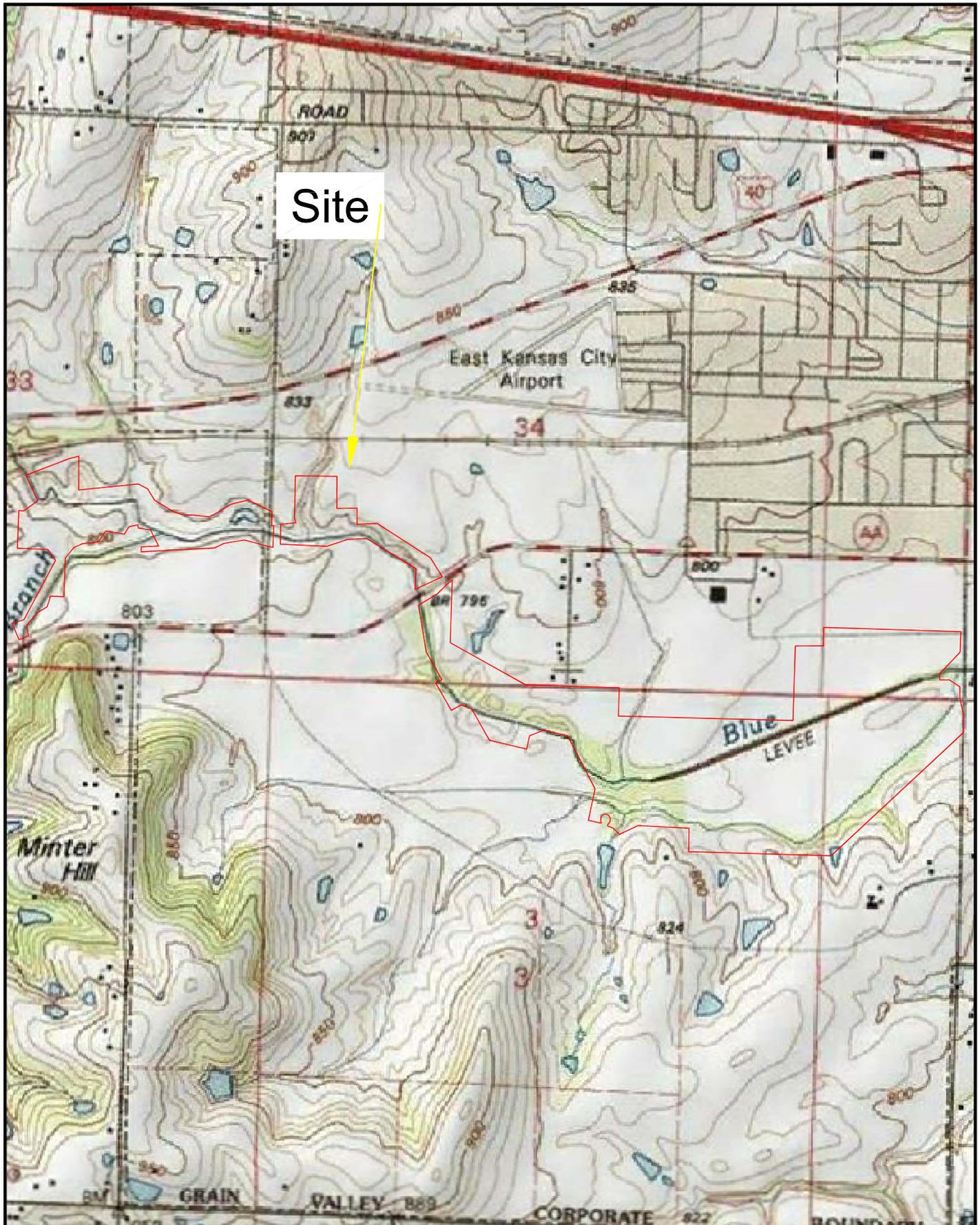
**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.



APPLICATION NO. NWK-2015-2320  
SWALLOW TAIL, LLC  
BLUE BRANCH WETLAND AND STREAM MITIGATION SITE #1  
JACKSON COUNTY, MISSOURI  
SHEET 1 OF 4  
DATED 13 APRIL 2016



APPLICATION NO. NWK-2015-2320  
SWALLOW TAIL, LLC  
BLUE BRANCH WETLAND AND STREAM MITIGATION SITE #1  
JACKSON COUNTY, MISSOURI  
SHEET 2 OF 4  
DATED 13 APRIL 2016



APPLICATION NO. NWK-2015-2320  
SWALLOW TAIL, LLC  
BLUE BRANCH WETLAND AND STREAM MITIGATION SITE #1  
JACKSON COUNTY, MISSOURI  
SHEET 3 OF 4  
DATED 13 APRIL 2016

**JURISDICTIONAL ASSESSMENT**

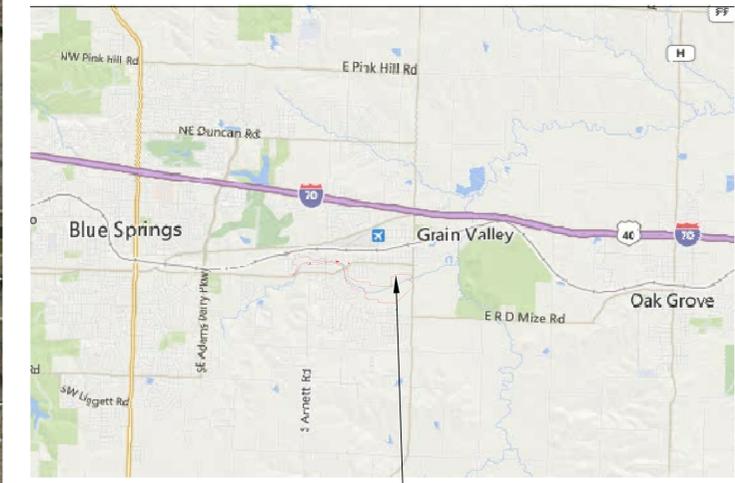
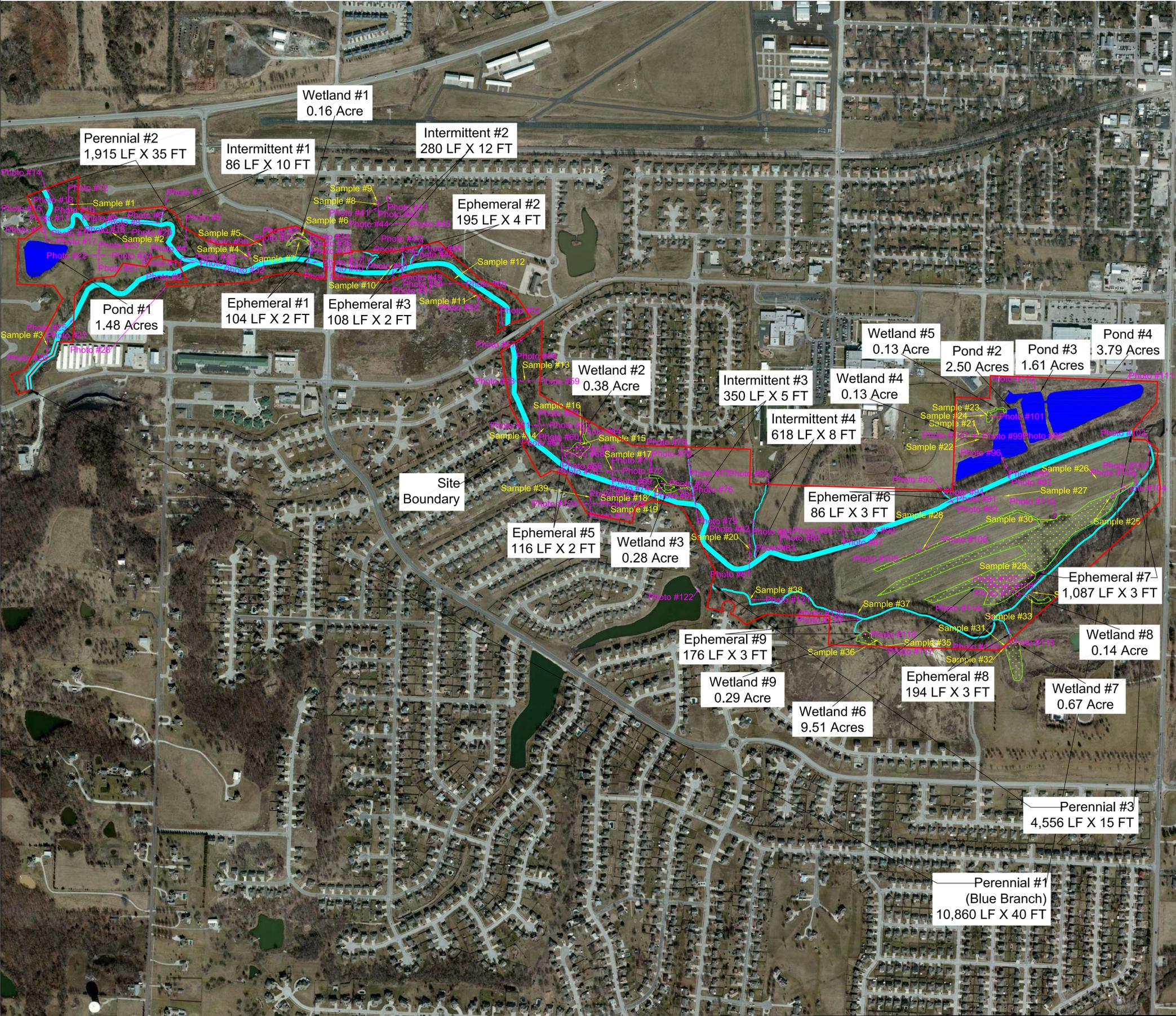
Wetland 1: 0.16 Acre, Lat. N39.01170, Long. W94.22247  
 Wetland 2: 0.38 Acre, Lat. N39.00721, Long. W94.21469  
 Wetland 3: 0.28 Acre, Lat. N 39.00632, Long. W94.21258  
 Wetland 4: 0.13 Acre, Lat. N 39.00735, Long. W94.20367  
 Wetland 5: 0.13 Acre, Lat. N39.00776, Long. W94.20341  
 Wetland 6: 9.51 Acre, Lat. N39.00598, Long. W94.20005  
 Wetland 7: 0.67 Acre, Lat. N39.00275, Long. W94.20294  
 Wetland 8: 0.14 Acre, Lat. N39.00381, Long. W94.20222  
 Wetland 9: 0.29 Acre, Lat. N39.00275, Long. W94.20639  
**TOTAL WETLAND AREA: 11.69 ACRES**

Ephemeral 1: 104 LF X 2 FT, Lat. N39.01154, Long. W94.22225  
 Ephemeral 2: 244 LF X 4 FT, Lat. N39.01162, Long. W94.21911  
 Ephemeral 3: 108 LF X 2 FT, Lat. N39.01135, Long. W94.21968  
 Ephemeral 5: 116 LF X 2 FT, Lat. N39.00674, Long. W94.20298  
 Ephemeral 6: 86 LF X 3 FT, Lat. N39.00615, Long. W94.20473  
 Ephemeral 7: 1,087 LF X 3 FT, Lat. N39.00435, Long. W94.20211  
 Ephemeral 8: 194 LF X 3 FT, Lat. N39.00333, Long. W94.20325  
 Ephemeral 9: 176 LF X 3 FT, Lat. N39.00333, Long. W94.20325  
**TOTAL EPHEMERAL LENGTH: 1,939 LF**

Intermittent 1: 86 LF X 10 FT, Lat. N39.01226, Long. W94.22633  
 Intermittent 2: 820 LF X 12 FT, Lat. N39.01250, Long. W94.22008  
 Intermittent 3: 350 LF X 5 FT, Lat. N39.00676, Long. W94.21180  
 Intermittent 4: 618 LF X 8 FT, Lat. N39.00612, Long. W94.20959  
**TOTAL INTERMITTENT LENGTH: 1,874 LF**

Perennial 1: 10,860 LF X 40 FT, Lat. N39.00849, Long. W94.23022  
 Perennial 2: 1,915 LF X 35 FT, Lat. N39.012769, Long. W94.22960  
 Perennial 3: 4,556 LF X 15 FT, Lat. N39.00393, Long. W94.21111  
**TOTAL PERENNIAL LENGTH: 17,331 LF**

Pond 1: 1.48 acres, Lat. N39.01171, Long. W94.22959  
 Pond 2: 2.50 acres, Lat. N39.00634, Long. W94.20429  
 Pond 3: 1.61 acres, Lat. N39.00831, Long. W94.20211  
 Pond 4: 3.79 acres, Lat. N39.00847, Long. W94.19919  
**TOTAL POND AREA: 9.38 ACRES**



**Site Location**  
 T49N-R30W-S33, 34 & 35  
 T48N-R30W-S2 & 3  
 Grain Valley, Jackson County, Missouri  
 171.93 Acres  
 Lat. N39.004491  
 Long. W94.204693

