

PUBLIC NOTICE



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

**Permit No. NWK-2015-241
Issue Date: December 15, 2015
Expiration Date: January 5, 2016**

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.

APPLICANT: Edgerton Land Holding Company, LLC
5015 NW Canal, Suite 200
Riverside, Missouri 64150

PROJECT LOCATION (As shown on the attached drawings): The project is located in an unnamed tributary of Bull Creek and three adjacent wetlands, southwest of West 191st Street and Waverly Road, in Section 3, Township 15 south, Range 22 east, in Edgerton, Johnson County, Kansas.

USGS QUAD: KS -GARDNER
Latitude: 38.77478 – Longitude: -94.94954

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

ACTIVITY (As shown on the attached drawings): **Proposed:** The applicant proposes to place fill material within waters of the United States, for the construction of three industrial warehouse facilities on an approximately 130-acre lot on undeveloped land. The industrial warehouse facility development also includes the construction of employee and fleet parking lots, utilities, storm water detention and associated green space. The purpose of the project, as stated by the applicant is to provide additional warehouse capacity in the vicinity of the BNSF Intermodal Facility located northwest of the proposed development site.

Construction of the proposed industrial warehouse facilities on the site would require the permanent grade and fill impacts to 2.02 acres of three wetlands and the temporary pipe crossing to 40 linear feet (LF) of one ephemeral tributary.

Proposed Project Fills		
Water	Size of Impact (acres or LF)	Permanent/Temporary Impact
Ephemeral 1	40 LF	Temporary Impact
Wetland 1	1.62 acres	Permanent Impact
Wetland 2	0.33 acres	Permanent Impact
Wetland 3	0.07 acres	Permanent Impact
Total Permanent Proposed Project Impacts – 2.02 acres		

WETLANDS/AQUATIC HABITAT: On March 25, 2015, a Preliminary Jurisdictional Determination (PJD) was completed for the proposed project site. The PJD showed that three wetlands (1.76 acres, 0.33 acres, and 0.10 acres), one intermittent tributary (239 LF), and two ephemeral tributaries (524 LF and 119 LF) are located on the proposed project site. This is the extent of our knowledge of jurisdictional resources onsite; the limits of jurisdiction over the entire proposed project boundary have not been verified by the Corps and could be revised prior to the permit decision.

APPLICANT’S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: “There is a total of 2.13 acres of wetlands within the project limits, of which a total of 0.17 acres are avoided from disturbance while maintaining and improving the existing hydrologic pattern. Additionally, the project maintains discharge through the existing tributaries. A proposed wet bottom detention basin and native seeding in uplands will minimize water quality effects on downstream waters. The applicant proposed purchasing mitigation credits for unavoidable impacts from an approved provider.”

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Kailey Jones, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri 64106, telephone 816-389-2123, email kailey.j.jones@usace.army.mil. All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant has not 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. 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 a reconnaissance survey 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*). In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect the northern long-eared 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.

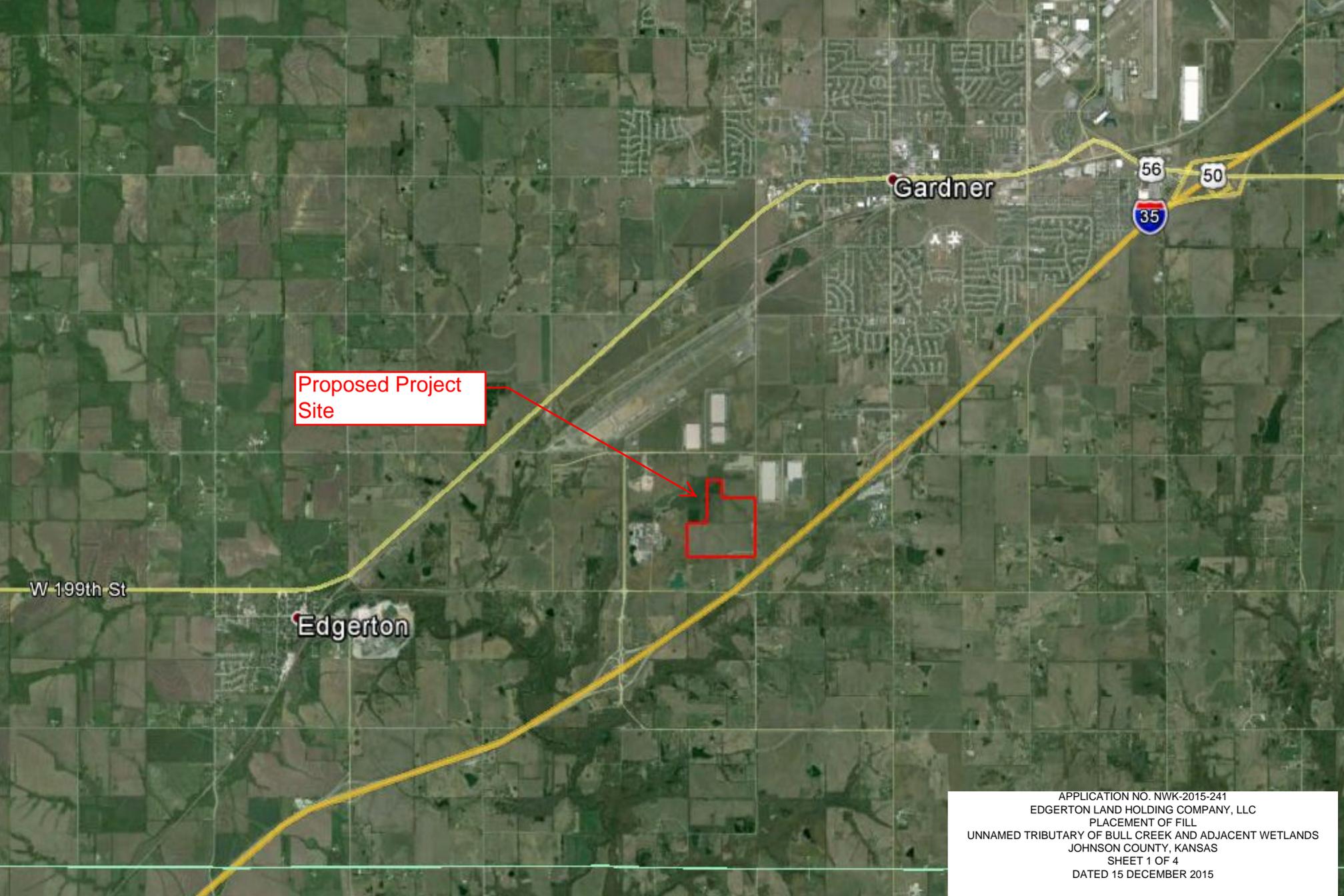
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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



Proposed Project Site

Gardner

56

50

35

Edgerton

W 199th St

APPLICATION NO. NWK-2015-241
EDGERTON LAND HOLDING COMPANY, LLC
PLACEMENT OF FILL
UNNAMED TRIBUTARY OF BULL CREEK AND ADJACENT WETLANDS
JOHNSON COUNTY, KANSAS
SHEET 1 OF 4
DATED 15 DECEMBER 2015

W 191st St

Homestead Ln

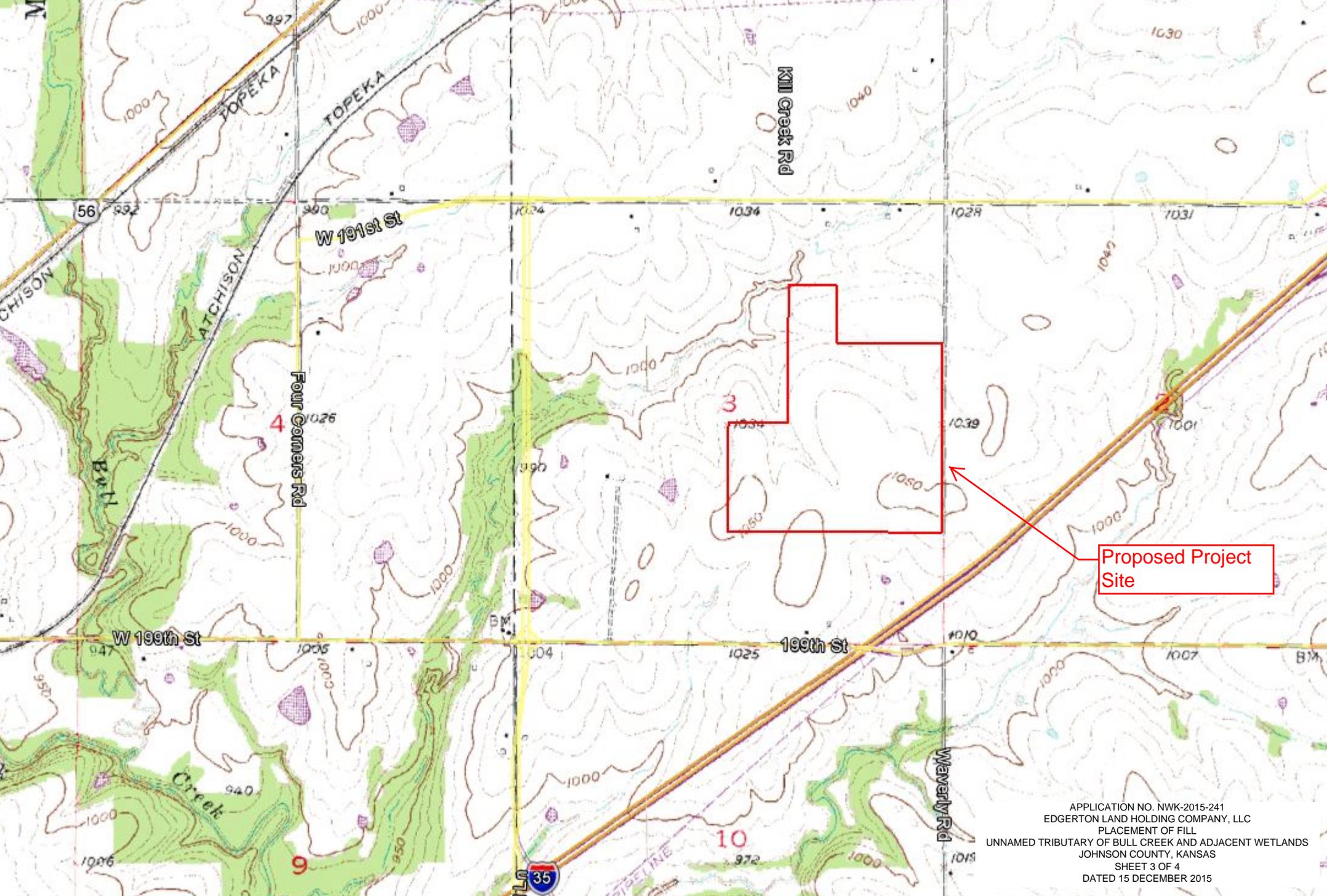
W 199th St 199th St

Waverly Rd

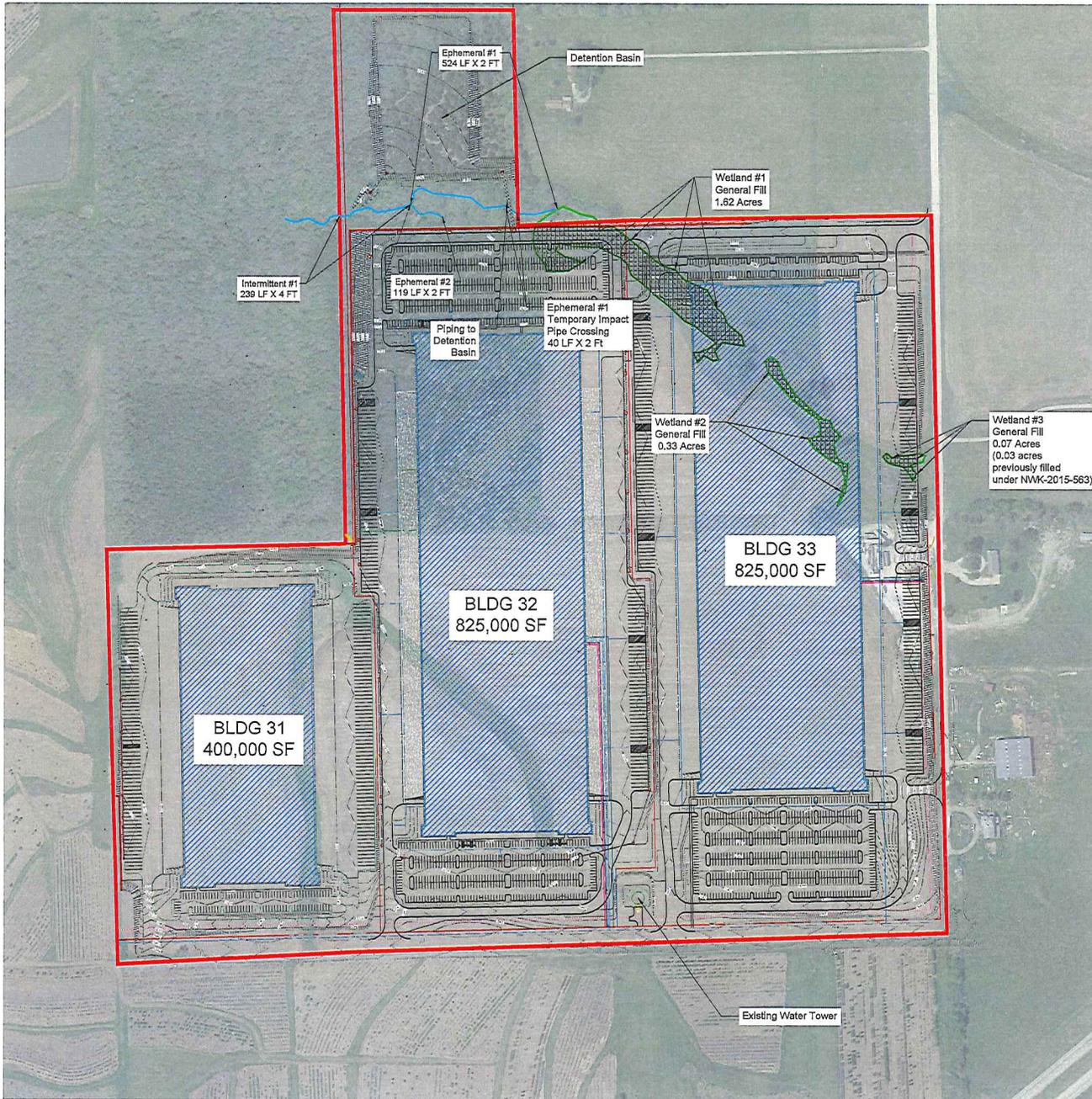
Proposed Project Site



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EDGERTON LAND HOLDING COMPANY, LLC
PLACEMENT OF FILL
UNNAMED TRIBUTARY OF BULL CREEK AND ADJACENT WETLANDS
JOHNSON COUNTY, KANSAS
SHEET 2 OF 4
DATED 15 DECEMBER 2015



Proposed Project Site



Jurisdictional Feature	General Fill		Temporary Impact		Original Size	
	Length (ft)	Width (ft)	Length (ft)	Width (ft)	Length (ft)	Width (ft)
Wetland #1	1.62		Area (acres)		1.76	
Wetland #2	0.33				0.33	
Wetland #3	0.07				0.1	
Total	2.02		0		2.19	
Ephemeral #1			40	2	524	2
Ephemeral #2					119	2
Total	0		40		643	
Intermittent #1					239	4
Total Impacts	2.020		0.002		2.241	



Site Location
 T15S-R22E-S3
 Edgerton, Johnson County, Kansas
 129 Acres ±
 Lat. N38.77478
 Long. W94.94954

