

PUBLIC NOTICE



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

**Permit No. NWK-2016-209
Issue Date: March 7, 2016
Expiration Date: March 28, 2016**

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: Hunt Midwest Real Estate Development, Incorporated
8300 NE Underground Drive
Kansas City, Missouri 64161

PROJECT LOCATION (As shown on the attached drawings): The project is located in two adjacent wetlands of an unnamed tributary of Rocky Branch, southeast of NE Cookingham Drive and N Woodland Avenue, in Section 24, Township 52 north, Range 33 west, in Kansas City, Clay County, Missouri.

USGS QUAD: MO – Nashua
Latitude: 39.29846– Longitude: -94.55487

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 residential lots and roadways as part of a larger residential development on an approximate 25-acre parcel on undeveloped land. The residential development includes sewer, stormwater detention, parking areas, and utilities. The purpose of the project, as stated by the applicant is to meet the demand for single family home lots in the Shoal Creek Parkway area of Kansas City, Missouri.

Construction of the proposed residential development on the site would require the permanent grade and fill impacts to 0.87 acres of two wetlands.

Proposed Project Fills		
Water	Size of Impact (acres)	Impact Duration
Wetland 1	0.29 acres	Permanent Impact
Wetland 2	0.58 acres	Permanent Impact
Total Permanent Proposed Project Impacts – 0.87 acres		

WETLANDS/AQUATIC HABITAT: On March 3, 2016, a Preliminary Jurisdictional Determination (PJD) was completed for the proposed project site. The PJD showed that two wetlands (0.29 acres and 0.58 acres) and one ephemeral tributary (218 linear feet) are located on the proposed project site.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: "Site layout avoids a single ephemeral drainage along the west extent. Minimization is achieved through the construction of a wetland basin. Mitigation for unavoidable impacts will consist of the purchase of wetland credits from an approved mitigation bank."

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.

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 Indiana bat (*Myotis sodalists*) and 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, but is not likely to adversely affect the Indiana bat and the northern long-eared bat, as the total onsite tree clearing amounts to approximately 0.92 acres. 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.

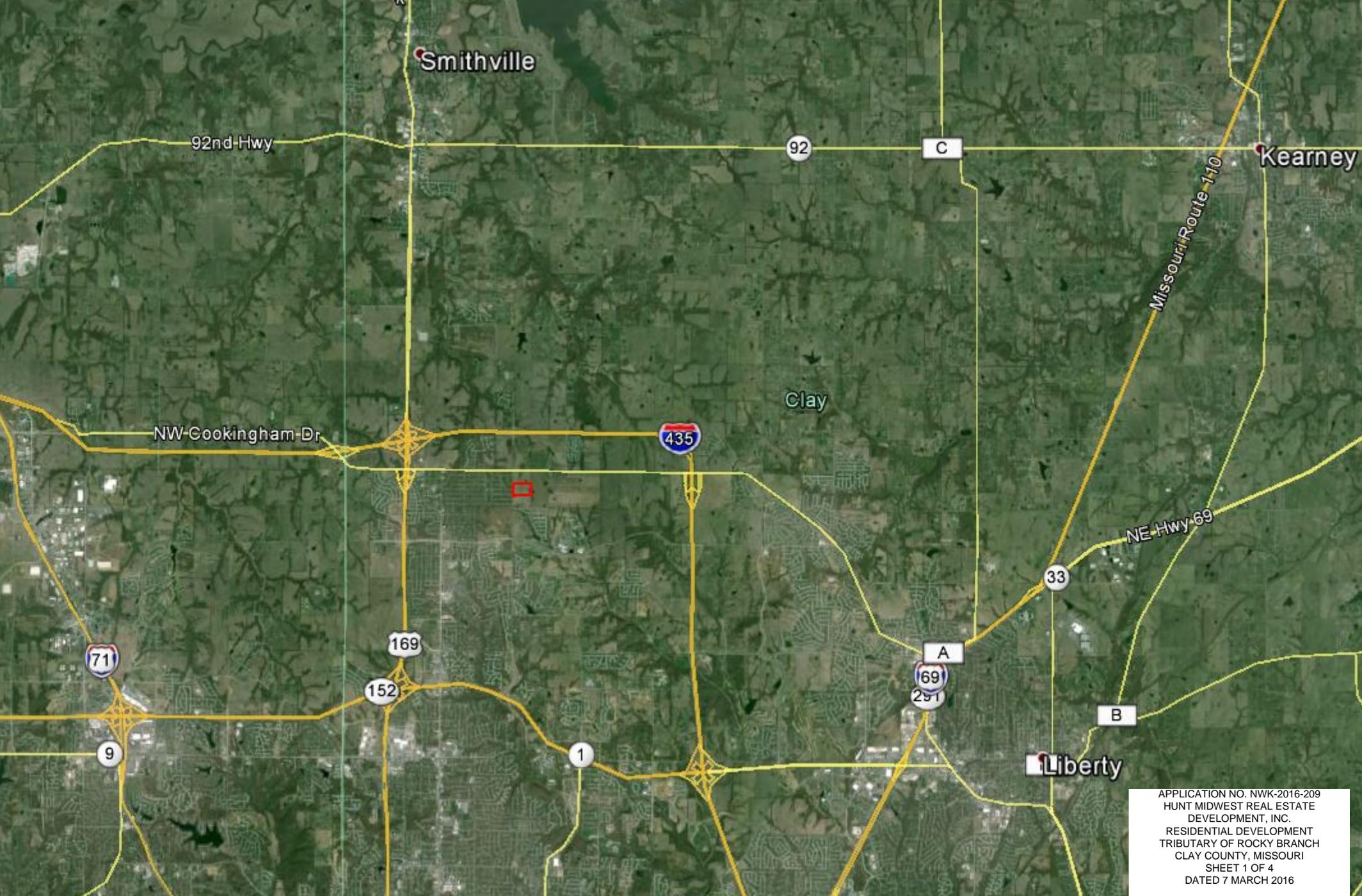
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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



Smithville

92nd Hwy

92

C

Kearney

Missouri Route 110

Clay

NW-Cookingham-Dr

435



NE Hwy 69

33

71

169

A

69

B

152

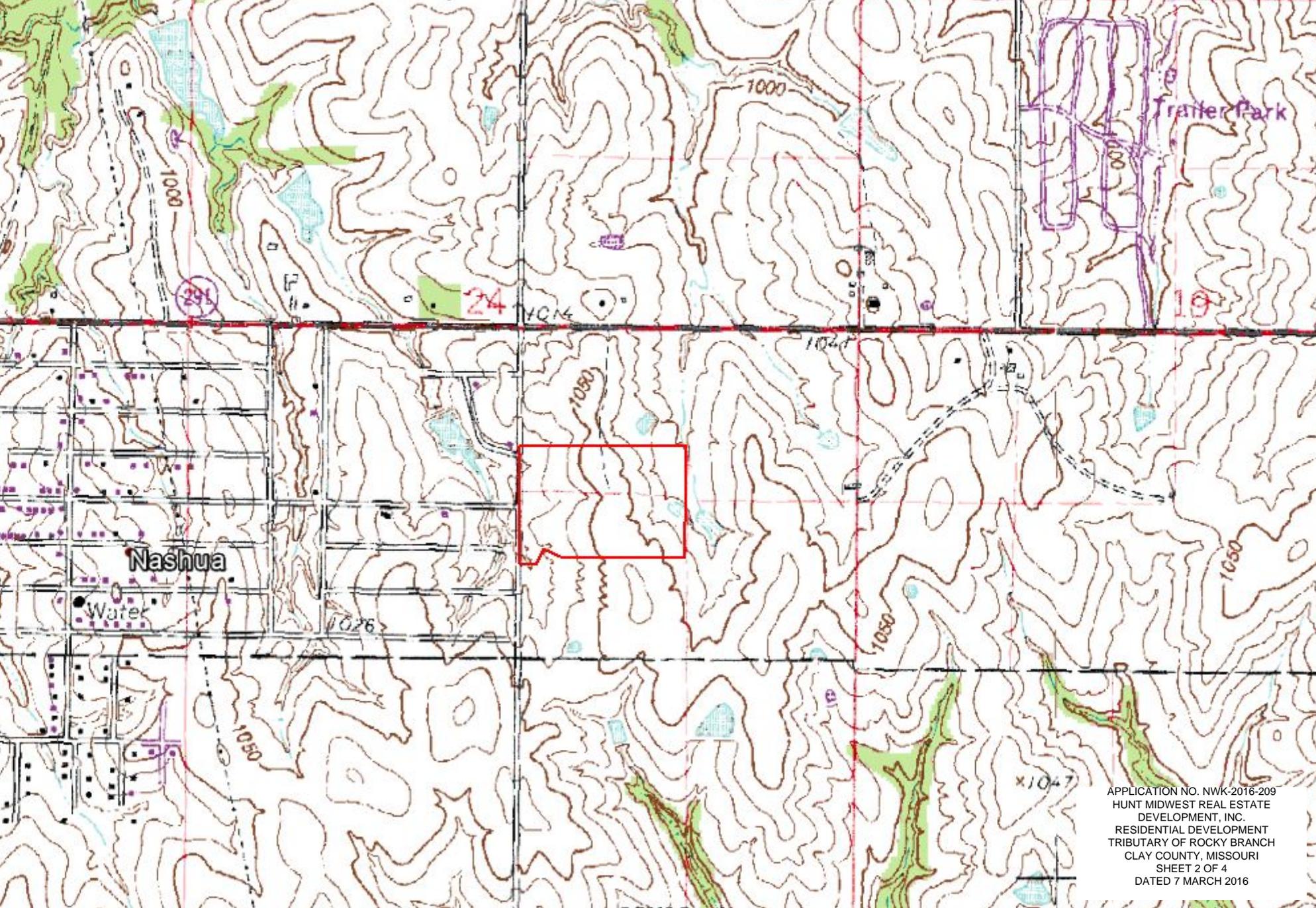
291

Liberty

9

1

APPLICATION NO. NWK-2016-209
HUNT MIDWEST REAL ESTATE
DEVELOPMENT, INC.
RESIDENTIAL DEVELOPMENT
TRIBUTARY OF ROCKY BRANCH
CLAY COUNTY, MISSOURI
SHEET 1 OF 4
DATED 7 MARCH 2016



APPLICATION NO. NWK-2016-209
HUNT MIDWEST REAL ESTATE
DEVELOPMENT, INC.
RESIDENTIAL DEVELOPMENT
TRIBUTARY OF ROCKY BRANCH
CLAY COUNTY, MISSOURI
SHEET 2 OF 4
DATED 7 MARCH 2016



N Highland Ave

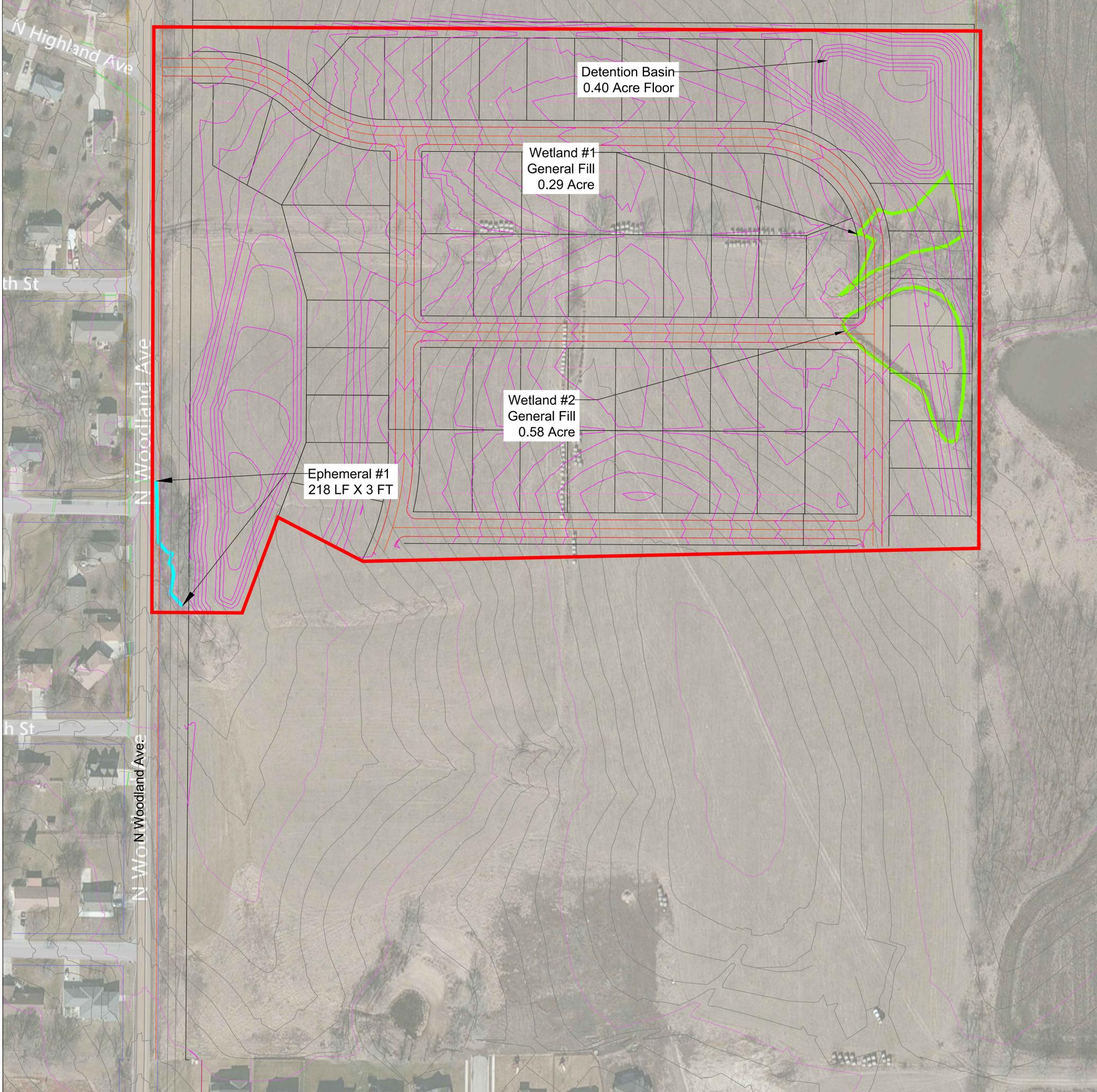
N Woodland Ave

NE 114 St

NE 113th Terrace

NE 113th St

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HUNT MIDWEST REAL ESTATE
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RESIDENTIAL DEVELOPMENT
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SHEET 3 OF 4
DATED 7 MARCH 2016

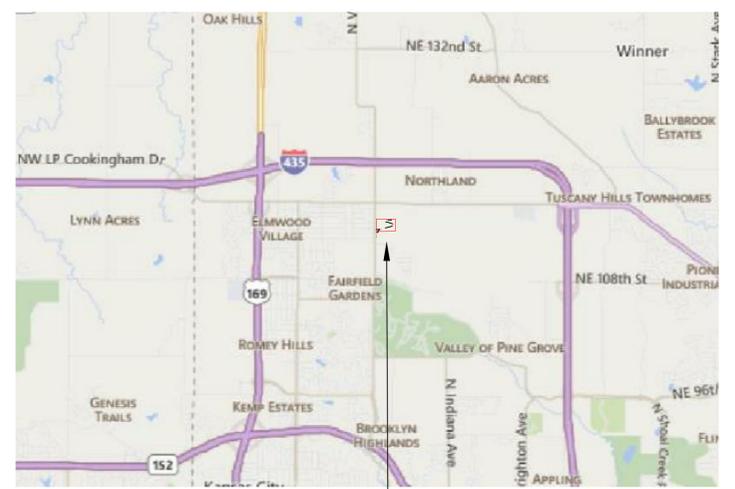


Wetland 1: 0.29 acre, Lat. N39.29993, Long. W94.55274
Wetland 2: 0.58 acre, Lat. N39.29962, Long. W94.55283
TOTAL WETLAND AREA: 0.87 ACRES
Ephemeral 1: 218 LF X 3 FT, Lat. N39.29864, Long. W94.55668
TOTAL EPHEMERAL LENGTH: 218 LF

Jurisdictional Feature	General Fill	Original Size
	Area (Acres)	Area (Acres)
Wetland #1	0.29	0.29
Wetland #2	0.58	0.58
Wetland Totals	0.87	0.87

Ephemeral #1	Length	Width	Length	Width
		0	3	218

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 RESIDENTIAL DEVELOPMENT
 TRIBUTARY OF ROCKY BRANCH
 CLAY COUNTY, MISSOURI
 SHEET 4 OF 4
 DATED 7 MARCH 2016



Site Location
 T52N-R33W-S24
 Kansas City, Clay County, Missouri
 25.15 Acres
 Lat. N39.29846
 Long. W94.55487

