

PUBLIC NOTICE



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

**Permit No. NWK-2020-172
Issue Date: March 6, 2020
Expiration Date: March 27, 2020**

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 Environmental Field Services - - Watershed Management Section, 1000 SW Jackson Street, Suite 430, Topeka, Kansas 66612-1367.

APPLICANT: BlueScope Properties Group, LLC
1540 Genessee Street
Kansas City, Missouri 64102

PROJECT LOCATION (As shown on the attached drawings): The project is located in wetlands in Olathe, Kansas within Section 2, Township 14 south, Range 23 east, Johnson County, Kansas.

USGS QUAD: Ocheltree, Kansas
Latitude: 38.86544 --- Longitude: -94.82403

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

ACTIVITY (As shown on the attached drawings): The proposed project involves the placement of fill materials within 0.92 acres of wetlands adjacent to Little Cedar Creek for the development of an approximate 34-acre commercial business park. The project as currently proposed would involve grading and fill activity within 4 wetlands on the site to construct buildings, parking areas, roads and other related site development work. The proposed project is referred to as the Southpark Business Park Development. The purpose of the project, as stated by the applicant, is light industrial development within south Olathe, Kansas.

WETLANDS/AQUATIC HABITAT: The project site contains 2.87 acres of jurisdictional wetlands at 7 locations and also contains 711 linear feet of an intermittent tributary to Little Cedar Creek.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The project avoids all impact to the existing tributary of Little Cedar Creek and to an additional 1.95 acres of wetland located within the project site. Stormwater detention basins are proposed in upland areas to minimize potential impact to downstream receiving waters

and avoid other wetland areas. Mitigation for unavoidable impacts of the project to wetlands is proposed through an approved mitigation provider.

ADDITIONAL INFORMATION: Additional information about this project may be obtained by contacting Brian Donahue, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri, 64106, telephone: (816) 389-3703, or email at Brian.T.Donahue@usace.army.mil. All comments to this public notice should be directed to the above address. Please reference permit application No. NWK-2020-172 in all comments and/or inquiries relating to this project.

STATE AUTHORIZATION: The applicant should contact the Kansas Department of Agriculture to determine if a state permit is required pursuant to Kansas Statutes Annotated 82-301 to 305a and 24-126.

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. The applicant previously requested review by the Kansas State Historic Preservation Office through request # 20-01-190. 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: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. The Corps has determined that our permitting action complies with Section 1.3 of the Biological Opinion created as part of the Final 4(d) Rule for the northern long-eared bat (NLEB) finalized on January 5, 2016. Specifically, we have determined activities occurring within the action area will not cause prohibited take because they occur more than 150 feet from any known occupied maternity roost tree and more than 0.25 mile from the nearest known hibernacula. Approximately 1.5 acres of tree clearing will be required for construction of the project as proposed by the applicant. 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.

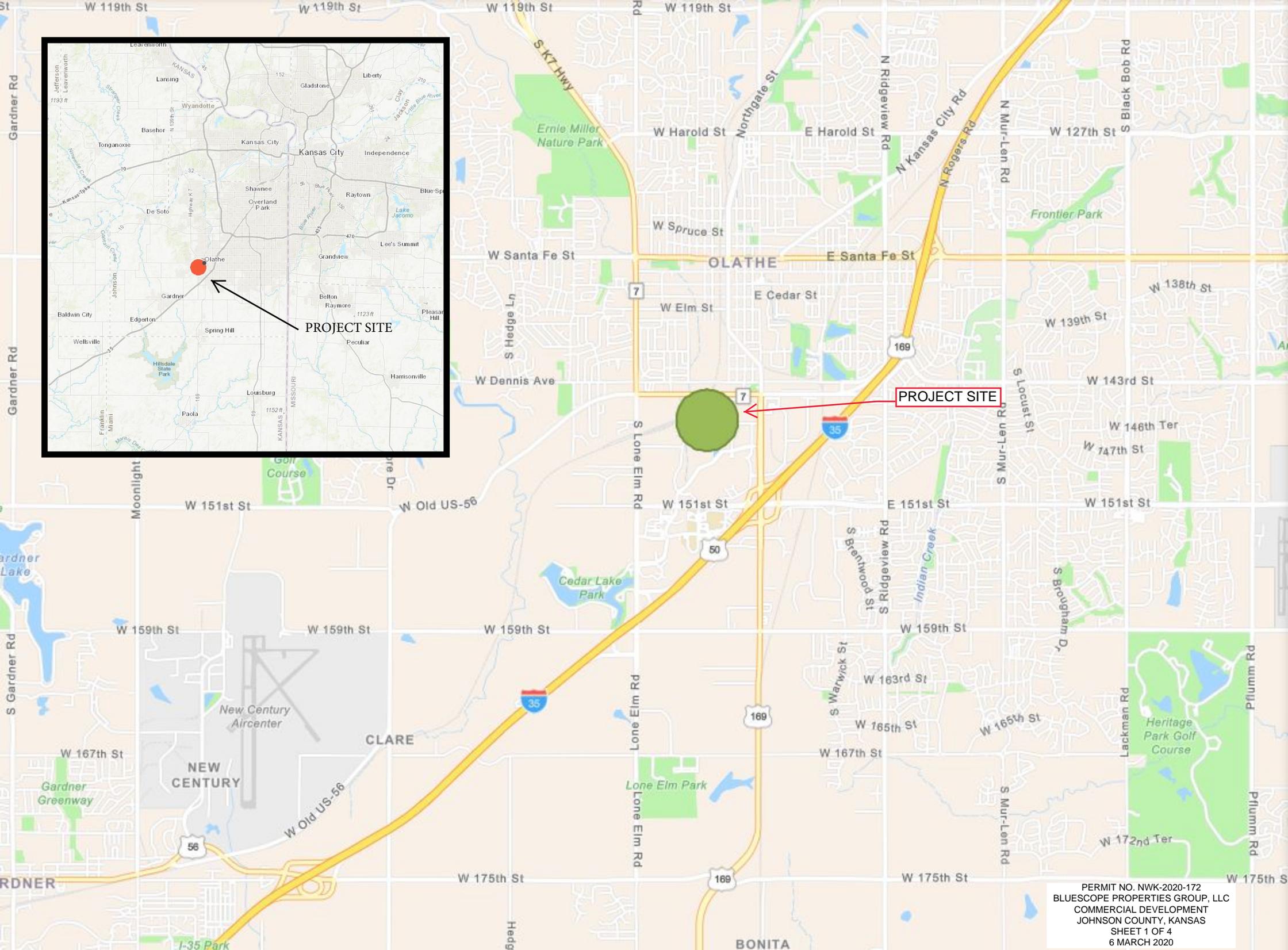
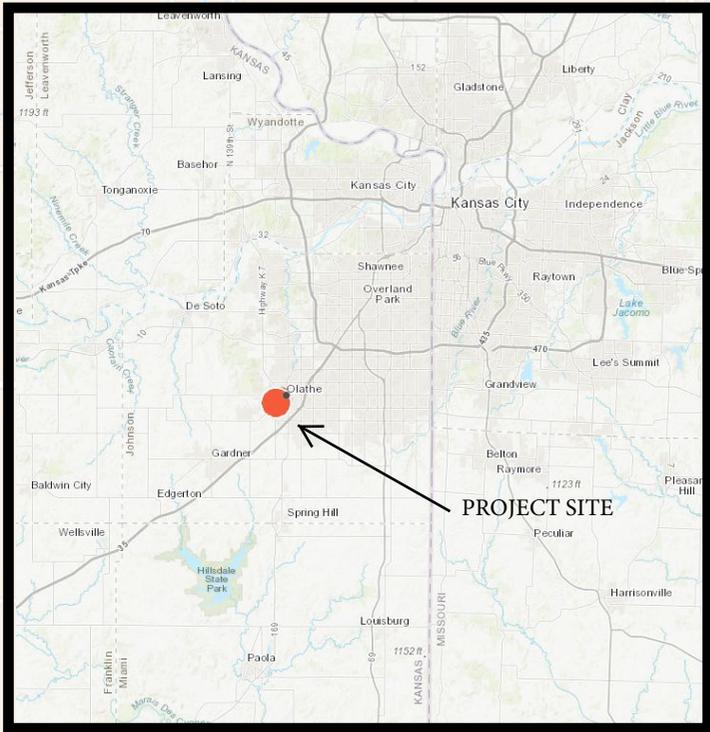
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application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



T13S R23E

Site

T14S R23E

S2

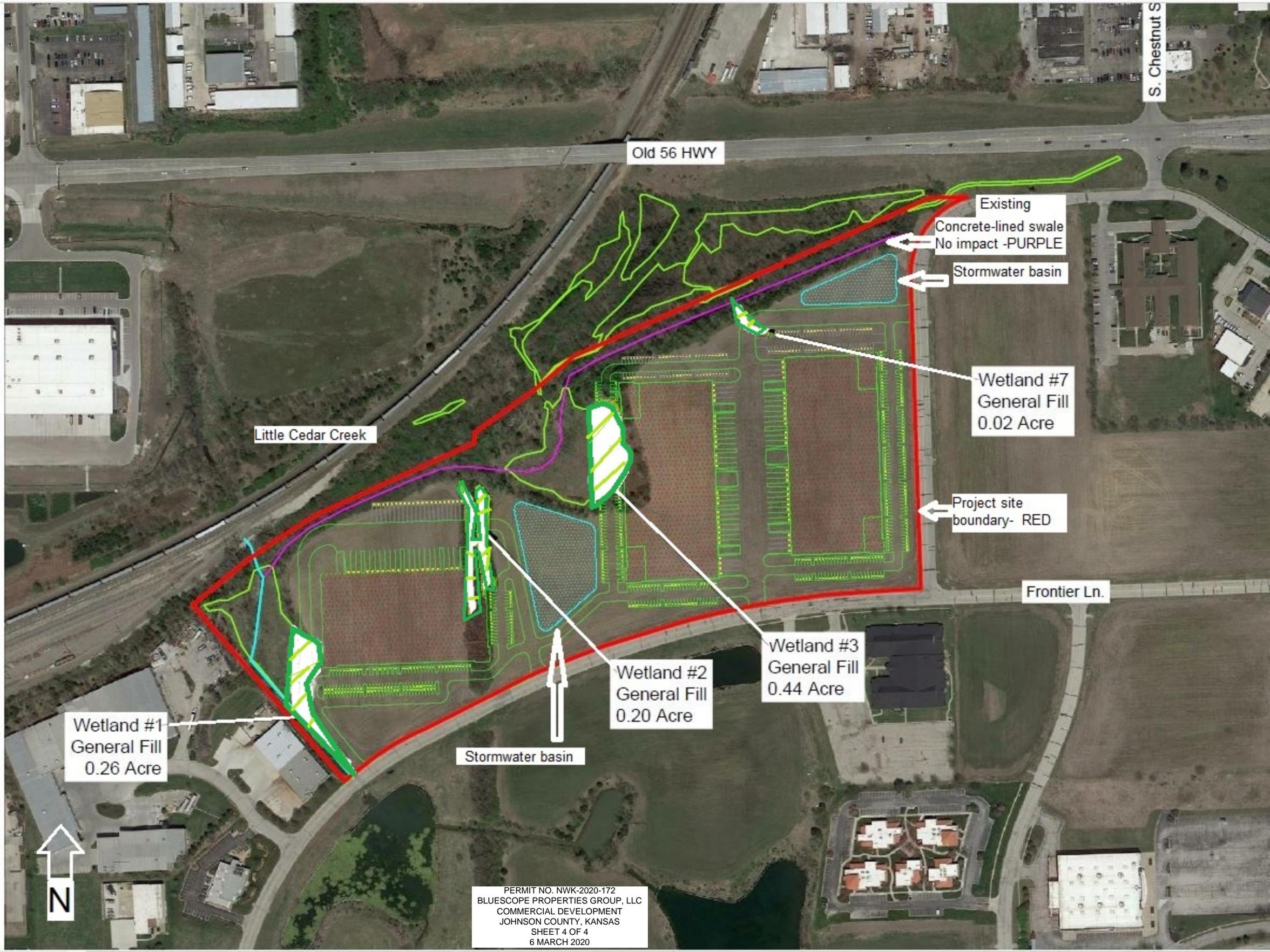
PERMIT NO. NWK-2020-172
BLUESCOPE PROPERTIES GROUP, LLC
COMMERCIAL DEVELOPMENT
JOHNSON COUNTY, KANSAS
SHEET 2 OF 4
6 MARCH 2020



OLATHE



Site



Old 56 HWY

S. Chestnut S

Existing
Concrete-lined swale
No impact -PURPLE

Stormwater basin

Wetland #7
General Fill
0.02 Acre

Project site
boundary- RED

Little Cedar Creek

Frontier Ln.

Wetland #1
General Fill
0.26 Acre

Wetland #2
General Fill
0.20 Acre

Wetland #3
General Fill
0.44 Acre

Stormwater basin



PERMIT NO. NWK-2020-172
BLUESCOPE PROPERTIES GROUP, LLC
COMMERCIAL DEVELOPMENT
JOHNSON COUNTY, KANSAS
SHEET 4 OF 4
6 MARCH 2020