

PUBLIC NOTICE



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

**Permit No. NWK-2020-00111
Issue Date: March 18, 2020
Expiration Date: April 8, 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: RLC Management, LLC
650 North Lincoln Street
Spring Hill, Kansas 66083

PROJECT LOCATION (As shown on the attached drawings): The project is located in eight (8) wetlands adjacent to an unnamed tributary to Little Blue Creek, north of Spring Hill and adjacent to State Route 7, Section 35, Township 14 south, Range 23 east, Johnson County, Kansas.

USGS 1:24K QUAD: Ocheltree
Latitude: 38.7904 --- Longitude: -94.8198

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

ACTIVITY (As shown on the attached drawings): This project is an after-the-fact activity. The applicant is proposing to place fill material within waters of the United States for the construction of the Cummins Business Park Development, which would include the construction of an access roadway and a siltation basin.

The purpose of the project, as stated by the applicant, is “to provide light industrial development, per the city of Spring Hill code designation M-1, within the Johnson County, Kansas portion of Spring Hill, Kansas”.

The applicant has filled in wetlands 5, 6, 7 and 8, amounting to 1.14 acres of unauthorized fill. These wetlands were filled in to construct a siltation basin and a roadway that runs north/south through the center of the development. This work began in 2019 but has ceased following realization that a Department of the Army permit is required. No buildings have been constructed on the property as of January 2020. Wetlands 1, 2, 3 and 4 are still present. The applicant is requesting authorization to fill in the remaining four (4) wetlands at the project site.

The continued construction of the proposed industrial development at this site would require permanent grade and fill impacts to a total of 2.48 acres of wetlands.

WETLANDS/AQUATIC HABITAT: The project area contains eight wetlands totaling to 2.48 acres. Approximately 1.14 acres of the total 2.48 acres of wetlands have been filled in as of 2019. There are no tributaries within the project area. All waters of the United States located at this site would be filled in.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: As stated by the applicant: "The project, as proposed, is unable to directly avoid any potentially jurisdictional features on site due to the large lot nature of a business park. However, the impacts within the lot area are indirect, because the end user would decide if they needed to be filled for their specific site needs. Some such features may never be filled. Minimization would be in the form of the planned detention basin in the southern portion of the site. While not specifically to be designed as such, small wetlands would naturally form within the micro topography of that basin. If required, mitigation for unavoidable impacts would be in the form of the purchase of credits from an approved mitigation bank or provider."

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Richard Chong, U.S. Army Corps of Engineers, Kansas City Regulatory Office, Room 402, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 389-3846 or via email at Richard.R.Chong@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 305a.

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 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 is within the geographic range of the federally threatened northern long-eared bat, Pallid sturgeon and Mead's Milkweed. We have made a preliminary determination that the project would have no effect to either of the three species. 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

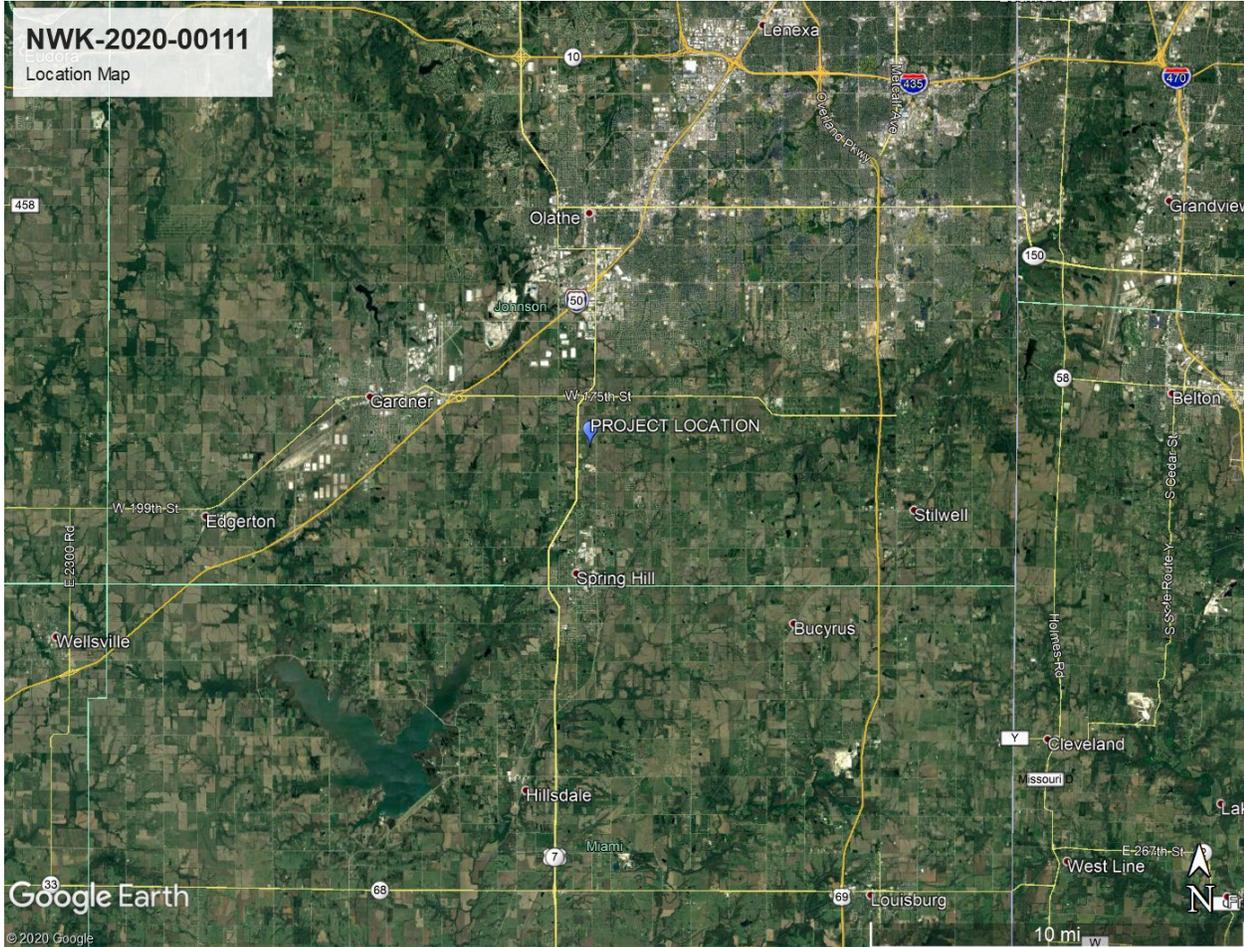
public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate 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.

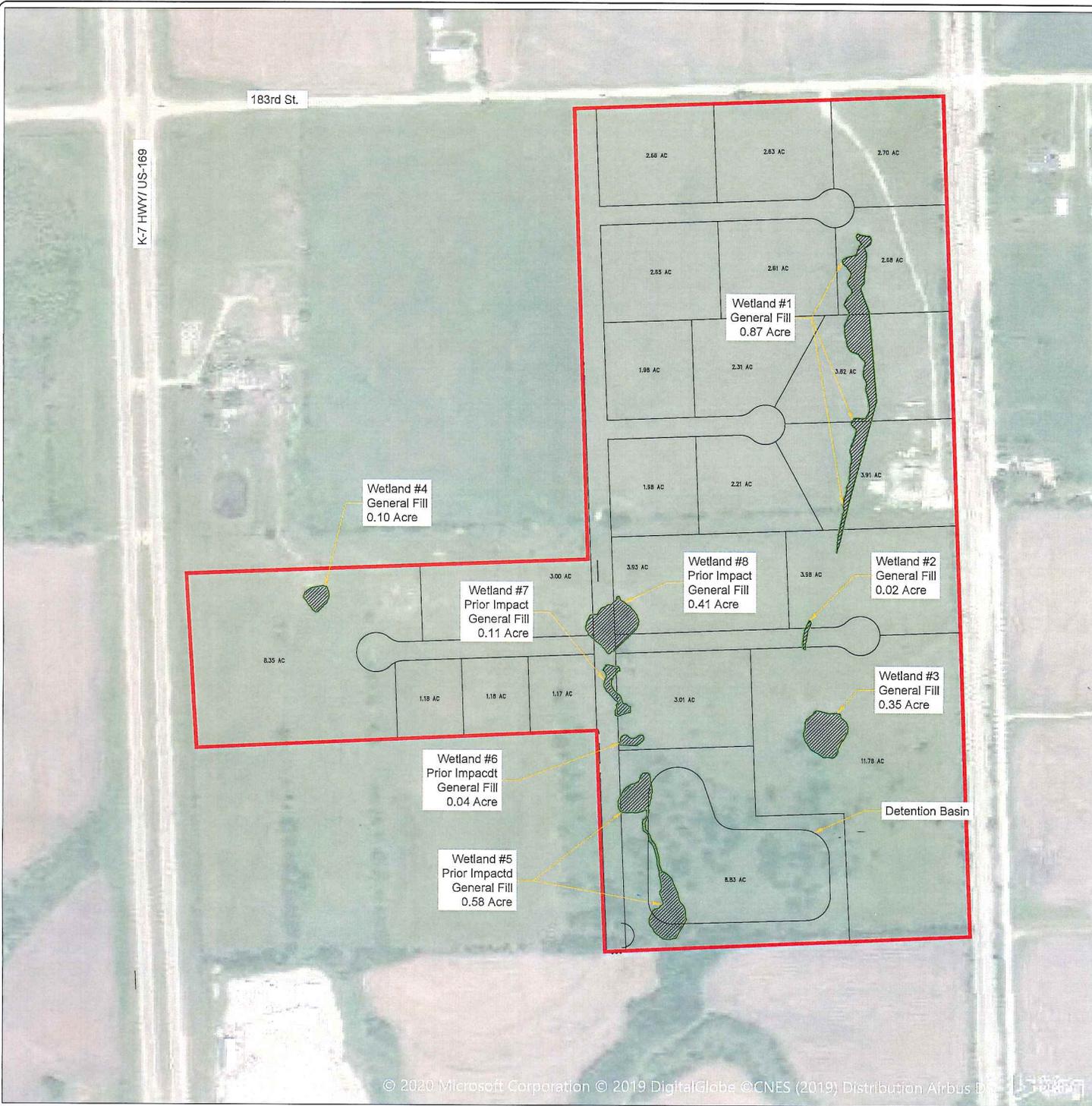
Location Map



Within eight (8) wetlands adjacent to an unnamed tributary to Little Blue Creek, north of Spring Hill and adjacent to State Route 7, Section 35, Township 14 south, Range 23 east, Johnson County, Kansas.

(38.7904, -94.8198)

PERMIT NO. NWK-2020-00111
RLC MANAGEMENT, LLC
COMMERCIAL DEVELOPMENT
LITTLE BLUE CREEK
JOHNSON COUNTY, KANSAS
SHEET 1 OF 2
18 MARCH 2020



Jurisdictional Feature	General Fill	
	Length (ft)	Width (ft)
	Area (acre)	
Wetland #1	0.87	
Wetland #2	0.02	
Wetland #3	0.35	
Wetland #4	0.10	
Wetland #5	0.58	
Wetland #6	0.04	
Wetland #7	0.11	
Wetland #8	0.41	
Total Wetlands	2.48	

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