

PUBLIC NOTICE



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

**Permit No. NWK-2018-1612
Issue Date: December 20, 2018
Expiration Date: January 10, 2019**

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: BK Properties for Renner 113 LLE LLC & LL East LLC
700 West 47th Street, Suite 200
Kansas City, Missouri 64112

PROJECT LOCATION (As shown on the attached drawings): The project is located in fourteen wetlands, and three tributaries of Mill Creek, northeast of W 119th Street and Renner Boulevard, in Section 17, Township 13 south, Range 24 east, in Lenexa, Johnson County, Kansas.

USGS QUAD: KS – OLATHE
Latitude: 38.91833 – Longitude: -94.77434

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

PROPOSED ACTIVITY (As shown on the attached drawings): The applicant proposes to place fill material within waters of the United States for the construction of four industrial warehouse facilities on approximately 80-acres of undeveloped land. The industrial warehouse facility development also includes the construction of roads, vehicle and freight parking, utilities, stormwater detention, and green space. The purpose of the project, as stated by the applicant, is to meet the demand for industrial warehouses along the Renner Boulevard corridor in Lenexa.

Construction of the proposed industrial warehouse facilities on the site would require permanent grade and fill impacts to 0.88 acres of fourteen wetlands; 1,337 linear feet (LF) of two ephemeral tributaries; and 1,437 LF of one intermittent tributary.

Proposed Project Impacts		
Waterway	Amount of Impact (acres/LF)	Type of Impact
Wetland 1	0.11 acres	Permanent
Wetland 2	0.01 acres	Permanent
Wetland 3	0.14 acres	Permanent
Wetland 4	0.06 acres	Permanent
Wetland 5	0.01 acres	Permanent
Wetland 6	0.04 acres	Permanent
Wetland 7	0.11 acres	Permanent
Wetland 8	0.10 acres	Permanent
Wetland 9	0.03 acres	Permanent
Wetland 10	0.03 acres	Permanent
Wetland 11	0.03 acres	Permanent
Wetland 12	0.01 acres	Permanent
Wetland 13	0.18 acres	Permanent
Wetland 16	0.02 acres	Permanent
Ephemeral 1	827 LF	Permanent
Ephemeral 2	510 LF	Permanent
Intermittent 1	1,437 LF	Permanent
Total Proposed Permanent Impacts: 0.88 acres of fourteen wetlands; and 2,774 LF of tributaries.		

WETLANDS/AQUATIC HABITAT: According to the delineation report prepared by the applicant's agent, the site includes 14 jurisdictional wetlands totaling 0.88 acres; two ephemeral tributaries totaling 1,337 LF; and one intermittent tributaries totaling 1,437 LF. Additionally, the applicant believes there are four isolated wetlands on the parcel, which total 0.73 acres. The agent's delineation report has not yet been verified by the Corps of Engineers.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant states – "No avoidance is achieved, but minimization will result through the construction of stormwater best management practices in compliance with municipal requirements. For unavoidable impacts to jurisdictional waters, the applicant proposes to purchase credits from the Kansas and Missouri River Umbrella Mitigation Sites." [Which are approved mitigation banks within the service area of the proposed project.]

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. The State Historic Preservation Officer has previously reviewed this parcel under KSR&C # 18-11-043, and had no objection to the implementation of the project as

their records do not list any historic properties or areas of concern within the project area. 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 an additional 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 may affect the Northern long-eared bat (*Myotis septentrionalis*), but will not cause prohibited take. Tree clearing would occur on approximately 21 acres within the action area. The Kansas City District will consult with the U.S. Fish and Wildlife Service (USFWS) regarding this preliminary determination. The site has been converted to agricultural land and is currently being hayed. In order to complete our evaluation of this activity, comments are solicited from the USFWS and other interested agencies and individuals.

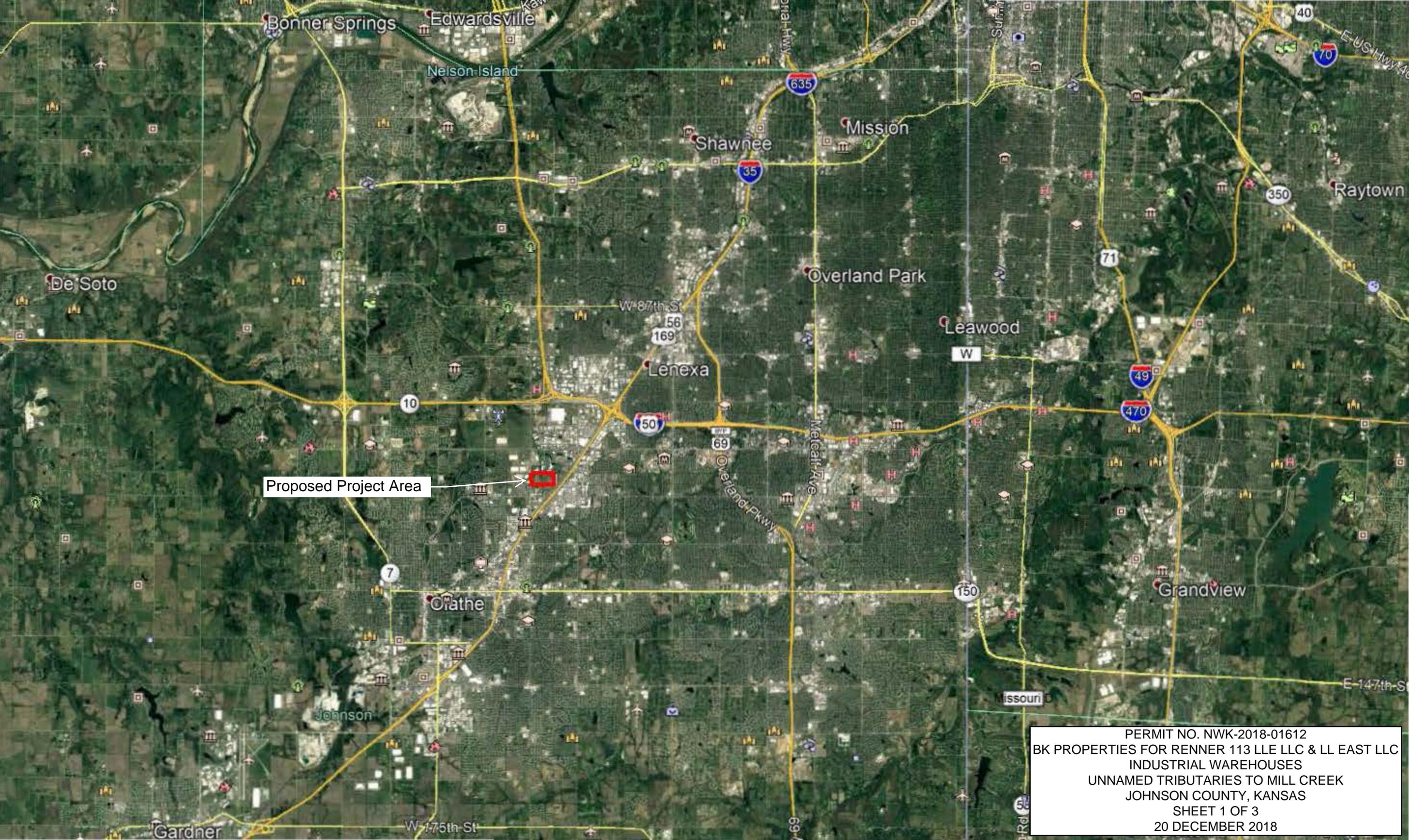
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies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

PERMIT NO. NWK-2018-01612
BK PROPERTIES FOR RENNER 113 LLE LLC & LL EAST LLC
INDUSTRIAL WAREHOUSES
UNNAMED TRIBUTARIES TO MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 1 OF 3
20 DECEMBER 2018

All Jurisdictional Waters On Site Map



Ephemeral #1
827 LF X 4 FT

Wetland #9
0.03 acre

Wetland #1
0.11 acre

Ephemeral #2
510 LF X 3 FT

Wetland #10
0.03 acre

Wetland #2
0.01 acre

Wetland #4
0.06 acre

Wetland #5
0.01 acre

Wetland #6
0.04 acre

Wetland #11
0.03 acre

Wetland #3
0.14 acre

Wetland #8
0.10 acre

Wetland #7
0.11 acre

Intermittent #1
1,437 LF X 4 FT

Wetland #12
0.01 acre

Pipe

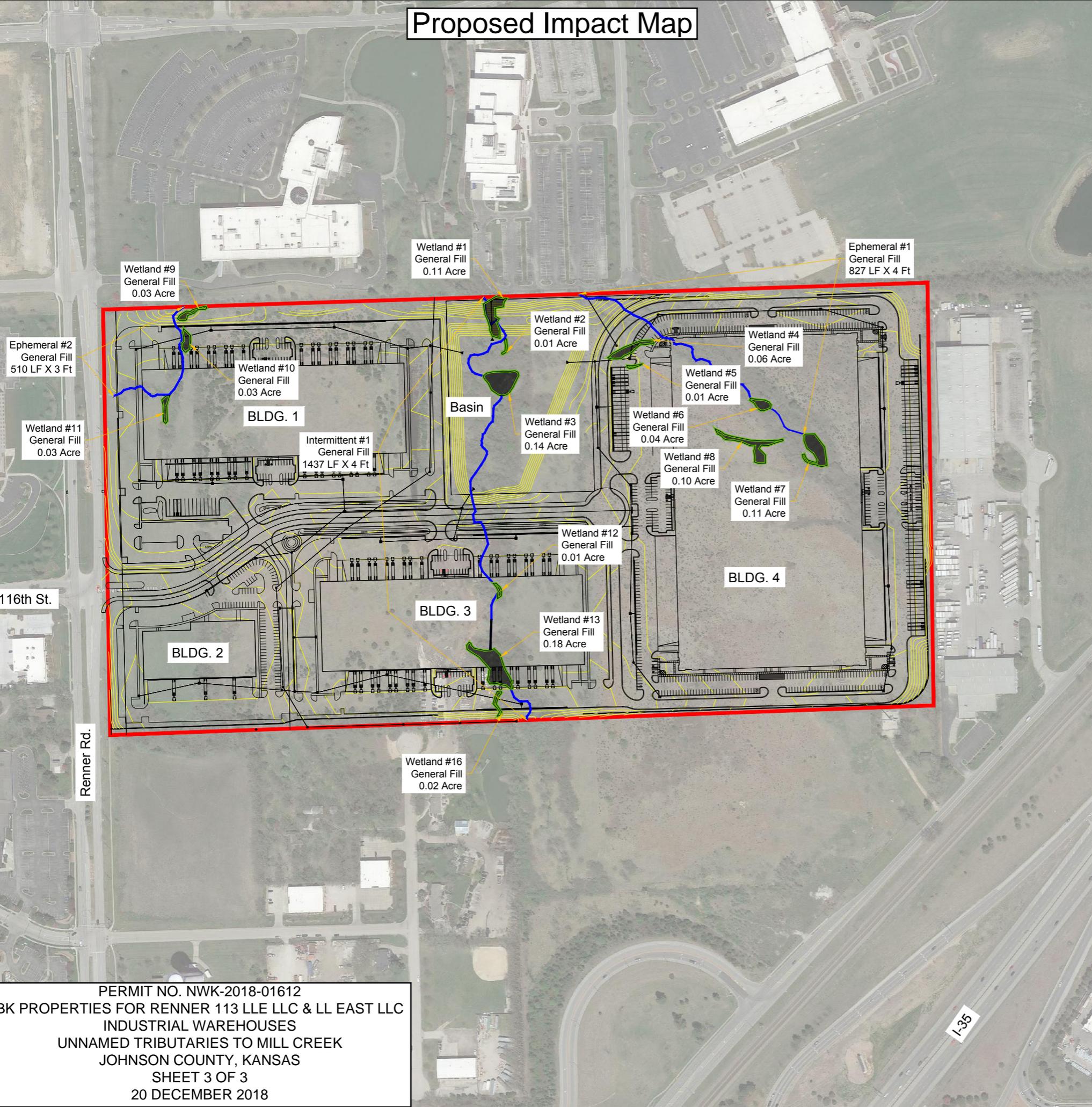
Wetland #13
0.18 acre

Wetland #16
0.02 acre

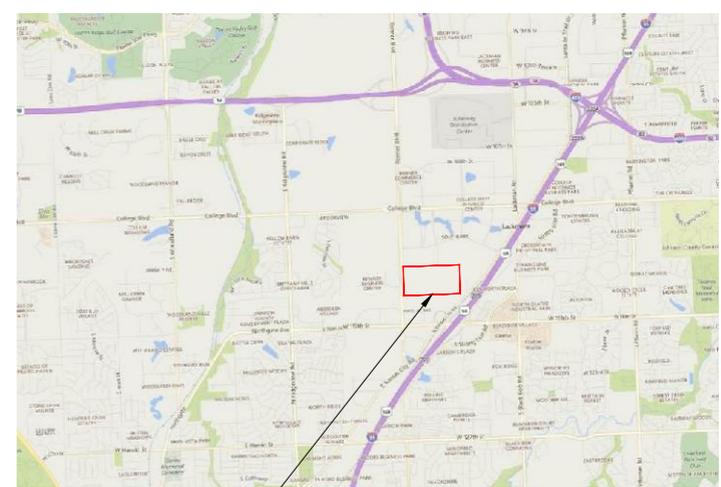
Renner Blvd & W 116th St

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BK PROPERTIES FOR RENNER 113 LLE LLC & LL EAST LLC
INDUSTRIAL WAREHOUSES
UNNAMED TRIBUTARIES TO MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 2 OF 3
20 DECEMBER 2018

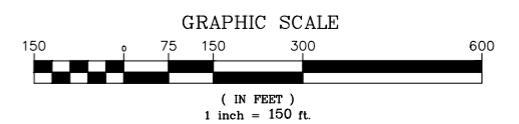
Proposed Impact Map



Jurisdictional Feature	General Fill	
	Length (ft)	Width (ft)
	Area (acre)	
Wetland #1	0.11	
Wetland #2	0.01	
Wetland #3	0.14	
Wetland #4	0.06	
Wetland #5	0.01	
Wetland #6	0.04	
Wetland #7	0.11	
Wetland #8	0.10	
Wetland #9	0.03	
Wetland #10	0.03	
Wetland #11	0.03	
Wetland #12	0.01	
Wetland #13	0.18	
Wetland #16	0.02	
Total Wetlands	0.88	
Ephemeral #1	827	4
Ephemeral #2	510	3
Total Ephemeral	1,337	
Intermittent #1	1,437	



Site Location
 T13S-R24E-S17
 Lenexa, Johnson County, Kansas
 78.29 Acres
 Lat. 38.91833
 Long. -94.77434



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 BK PROPERTIES FOR RENNEN 113 LLE LLC & LL EAST LLC
 INDUSTRIAL WAREHOUSES
 UNNAMED TRIBUTARIES TO MILL CREEK
 JOHNSON COUNTY, KANSAS
 SHEET 3 OF 3
 20 DECEMBER 2018