



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
635 FEDERAL BUILDING
601 E. 12TH STREET
KANSAS CITY, MISSOURI 64106-2824

February 12, 2018

Regulatory Branch
(NWK-2017-00785)

Mr. Daren Fristoe
The Grove at Lee's Summit, LLC
P.O. Box 57
Lee's Summit, Missouri 64063

Dear Mr. Fristoe:

Permit No. 2017-00785 has been executed. One copy is enclosed for your records and one copy has been retained for our files. When you are ready to begin work, it is necessary that you contact Ms. Kailey Jones at (816) 389-2123 or via email at kailey.j.jones@usace.army.mil.

Special condition "a" of the permit requires you to sign and return the enclosed "Compliance Certification" upon completion of the authorized work and any required mitigation.

You are also reminded of the mitigation requirement in special condition "b" of the executed permit that states: "The permittee must purchase 12,247 stream credits and 0.11 acres of wetland credit from an approved mitigation bank in the service area of the project. The current approved mitigation bank within the service area of the project is the Camp Branch Wetland and Stream Mitigation Bank. The compensatory mitigation credit purchase must be completed prior to the commencement of work within our regulatory jurisdiction. You must notify the project proponent that they must submit a receipt of payment from the mitigation provider that includes the amount of credits purchased and the date of credit purchase. Receipts submitted by authorized agents will not be accepted."

Sincerely,

David R. Hibbs
Regulatory Program Manager
Operations Division

Enclosures

cc (electronically w/enclosures):

U.S. Environmental Protection Agency,
Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service, Columbia, Missouri
Missouri Department of Natural Resources,
Water Protection Program
Missouri Department of Conservation

DEPARTMENT OF THE ARMY PERMIT

Permittee The Grove at Lee's Summit, LLC

Permit No. NWK-2017-00785

Issuing Office U.S. Army Engineer District, Kansas City

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

Project Description: This permit authorizes the general grading and fill of 1,948 linear feet (LF) of intermittent tributary, 840 LF of ephemeral tributary, and 0.11 acres of two adjacent wetlands; and the temporary impact to 72 LF of intermittent tributary for excavation and installation of a sanitary sewer, as shown on the attached drawings.

Permit Drawings: Location map, aerial map, proposed impact maps: 4 sheets total, dated 25 January 2018.

Project Location: In two unnamed tributaries and two adjacent wetlands of Big Creek, in Sections 8 and 17, Township 47 north, Range 31 west, in Lee's Summit, Jackson County, Missouri.

(38.89492°, -94.37007°)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheets, pages 4 and 5, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

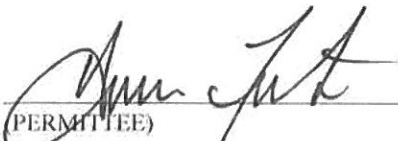
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



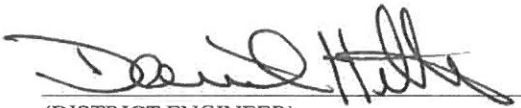
 (PERMITTEE)
 DAWN FRISWE EVP

 (PRINTED NAME AND TITLE)

2/12/18

 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



 (DISTRICT ENGINEER)
 DOUGLAS B. GUTTORMSEN, COLONEL
 BY: David R. Hibbs, Regulatory Program Manager

12 Feb. 2018

 (DATE)

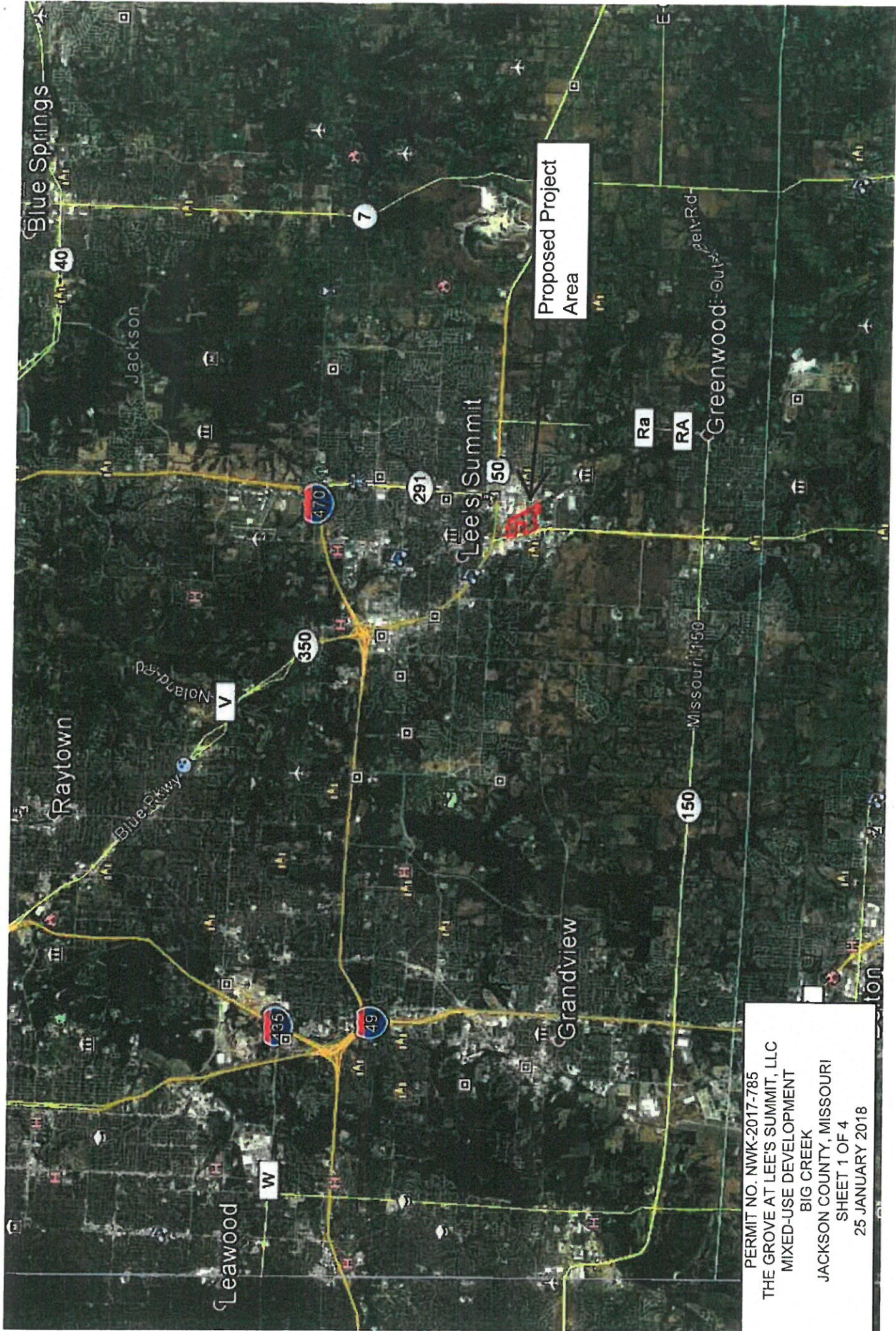
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE)

 (DATE)

Special Conditions:

- a. You must sign and return a "Compliance Certification" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and specific conditions, and that any required mitigation was completed in accordance with the permit conditions.
- b. The permittee must purchase 12,247 stream credits and 0.11 acres of wetland credit from an approved mitigation bank in the service area of the project. The current approved mitigation bank within the service area of the project is the Camp Branch Wetland and Stream Mitigation Bank. The compensatory mitigation credit purchase must be completed prior to the commencement of work within our regulatory jurisdiction. You must notify the project proponent that they must submit a receipt of payment from the mitigation provider that includes the amount of credits purchased and the date of credit purchase. Receipts submitted by authorized agents will not be accepted.
- c. Please be aware that the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*), may be present within your project area. To "not adversely affect" the listed species, the permittee must avoid cutting and clearing trees within the project area during the bats' active season March 31 – November 1. If you anticipate timber clearing within these dates, please contact the Corps of Engineers, Regulatory Branch, for further consultation with the United States Fish and Wildlife Service.
- d. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.
- e. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.
- f. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.
- g. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- h. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- i. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
- j. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.



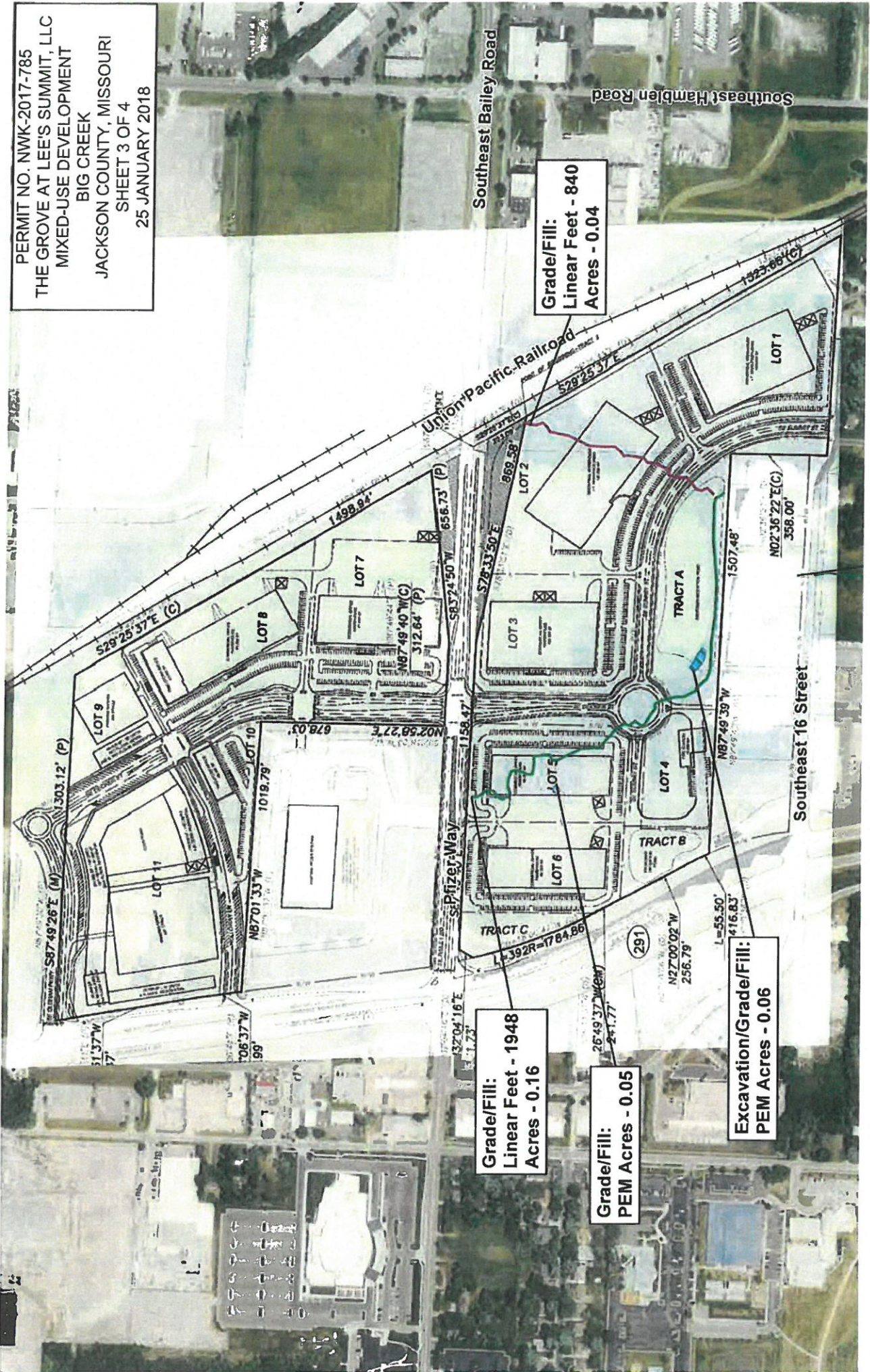
Proposed Project Area

PERMIT NO. NWK-2017-785
THE GROVE AT LEE'S SUMMIT, LLC
MIXED-USE DEVELOPMENT
BIG CREEK
JACKSON COUNTY, MISSOURI
SHEET 1 OF 4
25 JANUARY 2018



PERMIT NO. NWK-2017-785
THE GROVE AT LEE'S SUMMIT, LLC
MIXED-USE DEVELOPMENT
BIG CREEK
JACKSON COUNTY, MISSOURI
SHEET 2 OF 4
25 JANUARY 2018

PERMIT NO. NWK-2017-785
 THE GROVE AT LEE'S SUMMIT, LLC
 MIXED-USE DEVELOPMENT
 BIG CREEK
 JACKSON COUNTY, MISSOURI
 SHEET 3 OF 4
 25 JANUARY 2018

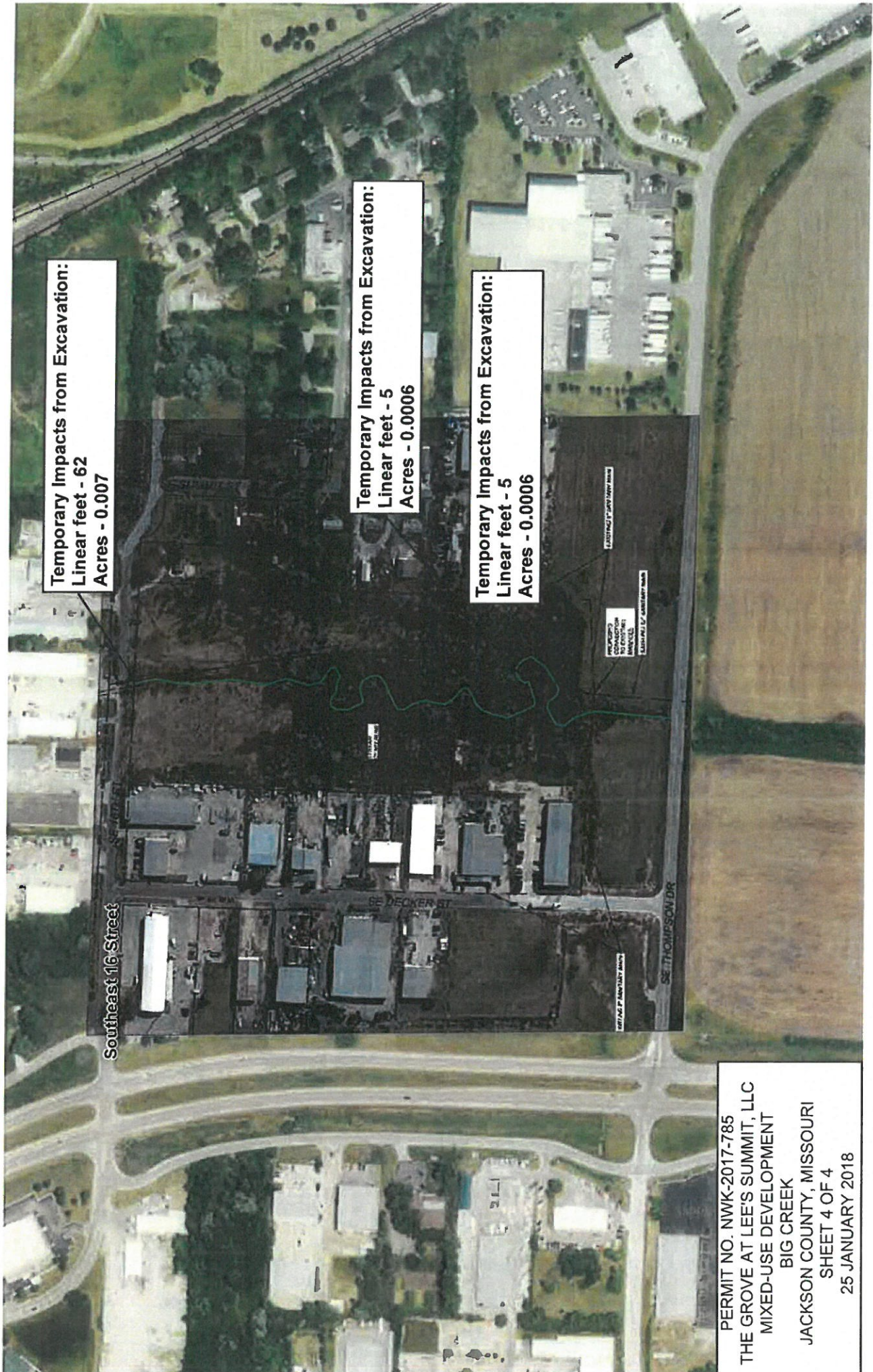


Grade/Fill:
 Linear Feet - 840
 Acres - 0.04

Grade/Fill:
 Linear Feet - 1948
 Acres - 0.16

Grade/Fill:
 PEM Acres - 0.05

Excavation/Grade/Fill:
 PEM Acres - 0.06



Temporary Impacts from Excavation:
Linear feet - 62
Acres - 0.007

Temporary Impacts from Excavation:
Linear feet - 5
Acres - 0.0006

Temporary Impacts from Excavation:
Linear feet - 5
Acres - 0.0006

PERMIT NO. NWK-2017-785
THE GROVE AT LEE'S SUMMIT, LLC
MIXED-USE DEVELOPMENT
BIG CREEK
JACKSON COUNTY, MISSOURI
SHEET 4 OF 4
25 JANUARY 2018