



Jeremiah W. (Jay) Nixon, Governor • Harry D. Bozoian, Director

## DEPARTMENT OF NATURAL RESOURCES

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**NOV 7 2016**

Mr. John R. Bondon  
Parrot Properties Inc.  
11303 View High Drive  
Kansas City, MO 64134

RE: 2016-00983/CEK007157, Nationwide Permit 29 in Jackson County

Dear Mr. Bondon:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Nationwide Permit (NWP) 29 for "Residential Developments."

Construction of the Village at View High Residential Development involves permanent impacts to jurisdictional waters, including the general grade and fill of 536 linear feet of an ephemeral tributary and 0.332 acre of ten wetlands. Temporary impacts to jurisdictional waters include 183 LF of two ephemeral tributaries and 36 LF of Cedar Creek, a perennial tributary, for the installation of a sewer line.

Approximate geographic coordinates for the center of the proposed project are 38.9171°N and 94.4486°W. Approximate geographic coordinates for the upstream limit of permanent impacts to the ephemeral tributary and the center of permanently impacted wetlands are as follows:

Stream	Impact (Linear Feet)	Latitude (°N)	Longitude (°W)
Ephemeral #1	536	38.91914	94.44666
Wetland	Impact (Acres)	Latitude (°N)	Longitude (°W)
Wetland #1	0.010	38.91900	94.44662
Wetland #2	0.010	38.91955	94.44818
Wetland #3	0.010	38.91882	94.44643
Wetland #4	0.230	38.91769	94.44828
Wetland #5	0.020	38.91818	94.44835
Wetland #6	0.007	38.91743	94.44682
Wetland #7	0.010	38.91736	94.44729
Wetland #8	0.010	38.91707	94.44727
Wetland #9	0.030	38.91707	94.44683
Wetland #10	0.005	38.91669	94.44699

The proposed project does not meet the State of Missouri's General Condition 9 for precertification; therefore, an individual WQC is being issued. Condition 9 states when the 300 linear feet threshold for stream impacts is waived, an individual WQC shall be required.

This WQC is being issued under Section 401 of Public Law 95-217, The Clean Water Act of 1977 and subsequent revisions. This office certifies the ongoing activities will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided the following conditions are met:

1. Parrot Properties Inc. shall purchase 0.332 wetland acre as mitigation credit from the Clear Fork Wetland and Stream Mitigation Bank or other approved in-lieu fee provider or mitigation bank. Copies of the purchase documents shall be provided to the department at the address below prior to the start of work within jurisdictional waters at the site.
2. The 536 LF of permanent stream impacts were assessed using the "2013 State of Missouri Stream Mitigation Method" and determined to require 2,202 stream mitigation credits. Compensatory mitigation shall be satisfied by the purchase of 2,202 stream mitigation credits from the Clear Fork Wetland and Stream Mitigation Bank or other approved in-lieu fee provider or mitigation bank. Copies of the purchase documents shall be provided to the department at the address below prior to the start of work within jurisdictional waters at the site.
3. Temporary impacts to 183 LF of two ephemeral tributaries and 36 LF of Cedar Creek, a perennial tributary, for the installation of a sewer line shall be restored to their preconstruction state.
4. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage. Applicants will be responsible for ensuring permit requirements and WQC conditions are met.
5. Best Management Practices shall be used during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by construction disturbances.
6. Care shall be taken to keep machinery out of the water way as much as possible. Fuel, oil and other petroleum products, equipment, construction materials and any solid waste shall not be stored below the ordinary high water mark at any time or in adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation.
7. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the department's Environmental Emergency Response number at 573-634-2436.

8. Only clean, nonpolluting fill shall be used.
9. With the exception of invasive species, clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
10. Streambed gradient shall not be adversely altered during project construction.
11. The project shall not accelerate bed or bank erosion.
12. The project shall not fill jurisdictional springs.
13. Conduct project activity at low flows and water levels to limit the amount of sediment disturbance caused by the heavy equipment. Limit the duration and extent that any heavy equipment is required to be instream.
14. The riparian area, banks, etc., shall be restored to a stable condition to protect water quality as soon as possible. Seeding, mulching and needed fertilization should be within three days of final contouring. To ensure erosion and deposition of soil in waters of the state are not occurring from this project, on-site inspections of these areas should be conducted as necessary to ensure successful revegetation and stabilization.
15. Acquisition of a WQC shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits. Permits or any other requirements shall remain in effect. Land disturbance activities disturbing one or more acres of total area for the entire project may require a stormwater permit. Instructions on how to apply for and receive the online land disturbance permit are located at [www.dnr.mo.gov/env/wpp/epermit/help.htm](http://www.dnr.mo.gov/env/wpp/epermit/help.htm). Questions regarding permit requirements may be directed to the department's Kansas City Regional Office at 816-251-0700.
16. The city of Lee's Summit is covered under Municipal Separate Storm Sewer System Permit MOR040016 with measures to control and possibly treat stormwater. You shall comply with all stormwater requirements of the city's Stormwater Management Plan and any related ordinances.
17. Representatives from the department shall be allowed on the project property to inspect the authorized activity at any time deemed necessary by the department to ensure compliance with the above conditions.
18. The WQC is based on the plans as submitted. Should any plan modifications occur, please contact the department to determine whether the WQC remains valid or needs to be amended or revoked.

Mr. John R. Bondon  
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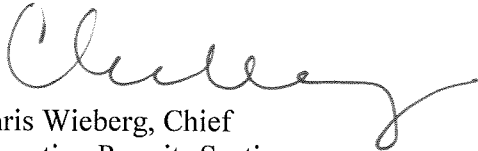
Pursuant to Chapter 644, RSMo, commonly referred to as the Missouri Clean Water Law, and fee regulations under 10 CSR 20-6.011(2)(I), this WQC shall be valid only upon payment of a fee of \$150.00. The enclosed invoice contains the necessary information on how to submit your fee. Payment must be received within ten business days of receipt of this WQC. Upon receipt of the fee, the applicable office of the USACE will be informed the WQC is now in effect and final.

You may appeal to have the matter heard by the Administrative Hearing Commission (AHC). To appeal, you must file a petition with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC.

This WQC is part of the USACE's permit. Water Quality Standards must be met during any operations authorized. If you have any questions, please contact Mr. Mike Irwin by phone at 573-522-1131, by email at [mike.irwin@dnr.mo.gov](mailto:mike.irwin@dnr.mo.gov), or by mail at the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM



Chris Wieberg, Chief  
Operating Permits Section

CW:mip

Enclosure

c: Ms. Sherry Bell, Fiscal Management Section, Budget and Fees Unit  
Mr. Jesse Cochran, Kansas City Regional Office  
Mr. David Flick, Terra Technologies  
Mr. John Hoke, Watershed Protection Section  
Ms. Kailey Jones, U.S. Army Corps of Engineers, Kansas City District  
Ms. Anna Nowack, Watershed Protection Section  
Ms. Corinne Rosania, Kansas City Regional Office  
Ms. Terrie Williams, Kansas City Regional Office