



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

December 6, 2022

Regulatory Branch
(NWK-2022-00831)
(Jackson, MO, NWP 39)

Mr. Jonathan Polak, P.E.
Habitat Architects, LLC
3904 East 185th Street
Belton, MO 64012

Dear Mr. Polak:

This letter pertains to an application submitted on behalf of Saint Luke's Health System for a Department of the Army permit. It was received on October 21, 2022. The proposed work concerns the expansion of an existing parking lot which will involve the placement of fill material within a tributary to Little Cedar Creek. The project is located in Section 30, Township 48 north, Range 31 west, Jackson County, Missouri.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344).

We have reviewed the information furnished and have determined that your project is authorized by nationwide permit (NWP) 39, **Commercial and Institutional Developments**, provided you ensure that the conditions listed in the enclosed copy of excerpts from the January 13, 2021, U.S. Army Corps of Engineers (Corps) (86 FR 2744 and the correction at 86 FR 27274), Reissuance and Modification of Nationwide Permits, are met. You must also comply with the Kansas City District Regional NWP Conditions posted at: <http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/NationWidePermits.aspx>

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" these listed species, you must not cut or clear trees during the bats' active season, April 1 – October 31. If implementation of the seasonal tree cutting restriction is not possible, please contact the Corps of Engineers, Regulatory Branch, for further consultation with the United States Fish and Wildlife Service.

The Missouri Department of Natural Resources has certified that this NWP will not violate existing state water quality standards provided you comply with the conditions included in the attached Missouri Section 401 Water Quality Certification (WQC) document. All conditions included in the WQC are conditions of the NWP authorization. Please review all conditions associated with this NWP. Per 40 CFR Part 121.11(c) the Corps is responsible for enforcing WQC conditions that are incorporated into this permit verification. If you have any questions concerning state WQC standards or compliance issues with the associated certification conditions, please contact the project manager at the phone number and/or email provided below.

General condition 30 requires you to sign and submit the enclosed "Compliance Certification" within 30 days of completing the authorized activity or the completion of the implementation of any required compensatory mitigation.

This NWP verification is valid until March 14, 2026. Should your project plans change or if your activity is not complete within the specified verification term, you must contact this office for another permit

determination. Although the Corps has verified your project would meet the terms and conditions of a nationwide permit, other Federal, state and/or local permits may be required. You should verify this yourself.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to Complete our Customer Service Survey form on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>. You may also call and request a paper copy of the survey which you may complete and return to us by mail.

Mr. Brian Donahue, Project Manager, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact him at 816-389-3703 or by email at brian.t.donahue@usace.army.mil. Please reference Permit No. NWK-2022-00831 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: jpolak@habitatarchitects.net.

Enclosures

cc (electronically w/o enclosures):

Environmental Protection Agency,
Watershed and Grants Branch
U.S. Fish and Wildlife Service, Columbia, Missouri
Missouri Department of Natural Resources,
Water Protection Program
State Historic Preservation Office
Missouri Department of Conservation

COMPLIANCE CERTIFICATION

General condition 30 of this Nationwide Permit requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at the bottom of this page within 30 days of completing the authorized activity or the completion of the implementation of any required compensatory mitigation

APPLICATION NUMBER: NWK-2022-00831

APPLICANT: Saint Luke's Health System
901 E. 104th Street
Kansas City, MO 64131

PROJECT LOCATION: Tributary to the Little Cedar Creek, Section 30,
Township 48 North, Range 31 West, Jackson County, Missouri.
Lat. 38.942669, Long. -94.379518

- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

Return this certification to:

U.S. Army Corps of Engineers
Kansas City District, ODR
601 East 12th Street, Suite 402
Kansas City, MO 64106-2824
Email: Regulatory.KansasCity@usace.army.mil