

EXHIBIT F
OLSSON WETLANDS MITIGATION PLAN

FINAL MITIGATION PLAN

for

PRAIRIEFIRE AT LIONSGATE

CITY OF OVERLAND PARK, KANSAS

**PREPARED FOR
MC Prairiefire, LLC**

FEBRUARY 2007

**PREPARED BY
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OLSSON No. 2007-0004

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Executive Summary

MC Prairiefire, LLC is proposing to construct Prairiefire at Lionsgate in Overland Park, Johnson County, Kansas. Prairiefire will be a mixed-use commercial and residential development with associated infrastructure, hardscape, and landscaping. The project also includes construction of 137th Street near the south property line.

Jurisdictional waters on the site include 1,557 linear feet of ephemeral tributary (0.07 acre) and 2.66 acres of wetlands. MC Prairiefire, LLC is proposing to complete resource mitigation as a combination of on-site and off-site activities. Onsite activities include the creation and preservation of 0.6 acre of emergent wetland and 1.79 acre of native buffer. Impacted wetlands not replaced onsite will be mitigated in the Johnson County Mitigation Bank. Table E-1 provides a summary of mitigation measures and mitigation credits requested.

Table E-1: Mitigation Measures and Mitigation Credits

Mitigation Measure	Resource Mitigated	Mitigation Acreage	Mitigation Ratio	Mitigation Credits
On-Site Mitigation Measures				
Wetland Creation/Preservation	Wetlands	0.6	1:1	0.6 acre
Native Buffer Creation/Preservation	Ephemeral Tributary	1.79	25:1	0.07 acre
Total for On-Site Mitigation Credits				0.67 acre
Off-Site Mitigation Measures				
Johnson County Mitigation Bank	Wetlands	1.99	1:1	1.99 acre
Total Mitigation Credits				2.66 acre

I Introduction

MC Prairiefire, LLC is proposing to construct Prairiefire at Lionsgate in Overland Park, Johnson County, Kansas. Prairiefire will be a mixed-use commercial and residential development with associated infrastructure, hardscape, and landscaping. The project also includes construction of 137th Street near the south property line.

Construction of the development site and associated amenities will require the unavoidable impact to 1,557 linear feet (0.07 acre) of ephemeral tributary and 2.66 acres of palustrine emergent wetlands.

Pursuant to an approved Section 404 Individual Permit, Olsson Associates completed and submitted a permit application report on August 31, 2006. The permit application was succeeded by a 21-day Public Notice period to gather public and subsequent agency comments (Permit #200601618). No substantive comment was received during the Public Notice process and alternatives to mitigate impacted resources were pursued.

MC Prairiefire, LLC is proposing to complete resource mitigation as a combination of on-site and off-site activities. The functional replacement of wetland and tributary values impacted will be replaced on-site to the degree possible. Additionally, impacted acreage not replaced onsite will be mitigated in the Johnson County Mitigation Bank. The following report details a mitigation plan that includes a combination of both on-site and off-site mitigation measures to achieve a no-net-loss of wetland values for 2.66 acres of palustrine emergent wetlands and 1,557 linear feet of ephemeral tributary impacts. The plan follows the United States Army Corps of Engineers, Regulatory Guidance Letter 02-2, on Compensatory Mitigation Projects for Aquatic Resource Impacts.

II Existing Conditions and Baseline Information

The following is a discussion of existing conditions and baseline information for the project site.

Location

The project site is described as an approximately 59 acre tract of land located in the N ½, NE ¼ Section 32, Township 13 South, Range 25 East, Overland Park, Johnson County, Kansas. The site is bounded by Nall Avenue to the east, Lamar Avenue to the west, 135th Street to the north, and proposed 137th Street to the south. The site is adjacent to multifamily residential, commercial, and retail properties on all sides. A residential subdivision and golf course is located adjacent and south of the property. The general project area is a highly suburban and developing area.

Historic and Current Land Use

No evidence of recent agricultural activities was found on the site during field or desktop data reviews. Historic land use for the property was likely open and grazed pasture lands. Current land use for the site is described as abandoned pasture.

Zoning

The project site is currently zoned as Mixed Use (MXD) within the City of Overland Park.

Topography

The topography of the project site is illustrated on the United States Geological Survey (USGS) 1963 and 1991 photo revised Lenexa, Kansas 7.5-minute topographic map. The topographic map indicates that the property slopes to the north. The elevation of the property ranges from approximately 960 feet above mean sea level (AMSL) on the south to 928 feet AMSL on the north, a change in elevation of 32 feet.

Waters of the U.S. on the Property

On June 14, 2006 the U.S. Army Corps of Engineers completed an approved jurisdictional determination for the property. The approved determination included 1,557 linear feet of two (2) ephemeral tributaries and 2.66 acres of wetlands.

The two ephemeral tributaries found on the property flow from south to north. Both tributaries begin at outfalls from golf course ponds located on the adjacent property to the south. The existing site topography has a sloping terrain with a central ridge that generally directs runoff east and west. The tributaries each drain to Tomahawk Creek approximately ¾-mile north of the project site.

Wetlands on the property include thirteen independent wetland areas comprising approximately 2.0 acres of palustrine emergent wetlands and 0.66 acres of palustrine forested wetlands.

Existing Function and Condition

The existing tributaries on the site discharge flow from the adjacent residential development and golf course through the site and wetland complex. A breached impoundment has created a majority of the wetland area as stormwater runoff enters the location and disperses through the old impoundment. The breached impoundment has converted to a dominance of reed canarygrass (*Phalaris arundinacea*) and willow (*Salix nigra*). Vegetative diversity is very limited with reed canarygrass giving way to tall fescue (*Festuca arundinacea*) in transitions to uplands.

Hydrology

Site hydrology is generally stormwater runoff from adjacent properties to the south. Hydrology flows from south to north where it is discharged under 135th Street. Analysis completed in a stormwater management study for the development has shown that the proposed improvements to the western portion of the site will not cause runoff to exceed design capacities to the downstream storm sewer systems along 135th Street. However, development of the eastern portion of the site will cause runoff to exceed the design capacity of the 133rd Street culverts located downstream of the site. For this reason, a portion of the proposed mitigation in the eastern half of the site will be utilized to detain large storm events including the 50- and 100-year storms. This will prevent downstream flooding of the 133rd Street culverts. Detention in these events will occur within the mitigated tributary channel and wetland complex. This type of event has a two percent chance of occurrence in any given year and is quickly released downstream with no long lasting effect or detrimental impact to the mitigation area.

III Goals and Objectives

The primary goal for the mitigation plan is to replace the functions and values of the existing tributary and wetlands found on the site. Functional losses and gains are described below.

Functions Lost

Tributaries

Tributaries on the site are ephemeral in nature. Minimally defined, the tributaries discharge stormwater from adjacent properties to the south across the property and discharge under 135th Street to the north. There is no riparian corridor associated with the tributaries and habitat diversity within the channel is non-existent.

Wetlands

Wetlands on the site are entirely associated with hydrology from the ephemeral tributaries described. The wetlands are a near monoculture of reed canarygrass (*Phalaris arundinacea*). From an ecological perspective, reed canarygrass competitively excludes other native plant species and limits the biological and habitat diversity of host wetland and riparian habitats. These changes likely precipitate effects on other wetland and riparian functions such as wildlife habitat. Reed canarygrass also evapotranspires large quantities of soil moisture and potentially affects shallow groundwater hydrologic characteristics. The species aggressive growth and significant biomass production affects hydraulic characteristics of surface waters by clogging ditches and stream courses with thick thatch. Infestations often form neoclimax communities that arise through human disturbance, which subsequently prevent original climax vegetation from reestablishing except in the face of new disturbance. Reed canarygrass also produces large quantities of pollen and can be a significant localized allergen source. The vegetation does provide water quality benefits from reduced storm flows and nutrient uptake.

Functions Gained

Functions gained on the site will be replaced and enhanced by providing a self-sustaining and fully functional biological system. Functions will be enhanced by combining tributary and wetland functions, habitat diversity and a protective vegetated buffer. The intricate combination of ecological benefits will provide for a no-net-loss of wetland and tributary functions found on the site. Functions gained that will benefit the natural resources within the project area include:

- Shading and cooling to reduce thermal pollution.
- Vegetated buffer (wetlands/native grasses) benefits including:
 - Sediment removal
 - Filtration of contaminants.
 - Provide aquatic habitats.
 - Reduction of peak flows.
- Native tree buffer: Native trees will provide an aesthetic buffer between the facility and future adjacent facilities. The forested tributary high bank will provide habitat for song birds and small mammals.
- Maintain tributary function and prevent erosive damage.
- A planting plan that includes the establishment of a diverse, aesthetically pleasing and more wildlife suitable habitat.

IV Mitigation Work Plan and Site Design

The mitigation site work plan was approached with an interdisciplinary team including surveyors, civil engineers, landscape architects, land planners, and ecologists. Every effort was made to provide a biologically functional natural system in the context of a suburban development setting. The onsite mitigation plan includes a fully functional tributary and wetland complex with native side slopes and improved habitat. The plan also includes the aesthetic amenities such as wildflower additions to native areas and transitional park-like landscaping at the edge of the proposed native buffer.

The mitigation area boundary includes the tributary channel bottom and associated side slopes. A walking trail on either side of the mitigation area will be utilized as a physical boundary that separates the mitigation areas from the adjacent highly maintained landscape and hardscape amenities.

Grading Plan

A grading plan was prepared that would provide the maximum creation of sustainable wetlands while maintaining the aesthetic integrity of the project site. Existing elevations across the mitigation site would prevent the creation of wetland habitats due to slope and the inability to restrict hydrology for wetland creation. For this reason, a series of weirs will be constructed at appropriate intervals to restrict hydrology and promote a prevalence of hydrophytic vegetation on the site. Each weir structure will restrict approximately six (6) inches of water and create a backwater flooding effect that will inundate a relatively flat contour elevation behind the weir. The stormwater study for the site would suggest that areas behind the weir structures will be frequently flooded resulting in inundation/saturation for long durations during the growing season. Weirs will be constructed of materials that maintain a natural appearance to the area. Side slopes will be between 3:1 and 6:1 to provide for the establishment of native vegetation on the channel embankments.

Planting Plan (See Attached)

The planting plan for the site was developed to provide habitat diversity, ecological function, and aesthetic values to the site. Particular attention was paid to the specification of wetland vegetation that could withstand high flows during heavy storm events in the channel bottom. Installation of Zone 1 (0.6 acre channel bottom) and Zone 2 (1.79 acre channel embankment) will overlap to ensure diversity and vegetative establishment at the transition of each zone. The majority of plant materials provided are of seed source; however, live plugs are also included to expedite vegetative establishment. Also, the use of a turf reinforcement matting suitable for aquatic applications will be utilized in the channel bottom as an erosion control measure and to protect planted vegetation.

Preferential vegetation, false indigo (*Amorpha fruticosa*) and buttonbush (*Cephalanthus occidentalis*), will be transplanted with a tree spade to a nursery location on the site. Plants will then be transplanted to the mitigation area during initial construction activities. Mitigation area construction will be completed during the initial phases of site development to expedite plant establishment and provide water quality protection during construction.



Example Wetland Species List (Zone 1)

Created Wetlands
 A minimum of fifteen (15) of the following species listed will be utilized in zone 1 (channel bottom). Species with an * must be included in the final species mix to the extent available. Substitutions or additions to the following species list must be approved by the owner.

Common Name	Species Name
Blue Flag Iris	Iris shreveii
Soft-Stemmed Bulrush	Juncus effusus
Inland Rush	Juncus interior
Tickseed Sunflower	Bidens aristosa
Swamp Buttercup	Ranunculus septentrionalis
Swamp Milkweed	Asclepias incarnata
Sweetflag	Acorus calamus
Torrey Rush	Juncus torreyi
Tapertip Rush	Juncus acuminatus
Frank's Sedge	Carex frankii
Thinscale Sedge	Carex hyalinolepis
Cardinal Flower	Lobelia cardinalis
Frog-fruit	Phylla lanceolata
Chairmakers Rush	Schoenoplectus americanus
*Spikerush	Eleocharis palustris
*Woolgrass	Scirpus cyperinus
*Dark Green Bulrush	Scirpus atrovirens
*Prairie Cordgrass	Spartina pectinata
*Fox Sedge	Carex vulpinoidea

Example Wetland Species List (Zone 2)

Created Wetlands
 A minimum of twelve (12) of the following species listed will be utilized in zone 2 (lower channel embankment). Species with an * must be included in the final species mix to the extent available. Substitutions or additions to the following species list must be approved by the owner.

Common Name	Species Name
Woolgrass	Scirpus cyperinus
Tickseed Sunflower	Bidens aristosa
Blue Vervain	Verbena hastata
Blue Lobelia	Lobelia spicata
Swamp Buttercup	Ranunculus septentrionalis
Cut-leaf Coneflower	Rudbeckia laciniata
Cardinal Flower	Lobelia cardinalis
Reedgrass	Calamagrostis canadensis
River-oats	Chasmanthium latifolium
Slender Mountain Mint	Pycnanthemum tenuifolium
*Little Bluestem	Schizachyrium scoparium
*Virginia Wildrye	Elymus virginicus
*Prairie Cordgrass	Spartina pectinata
Swamp Milkweed	Asclepias incarnata
*New England Aster	Aster novae-angiae
*Prairie Ironweed	Vernonia fasciculata

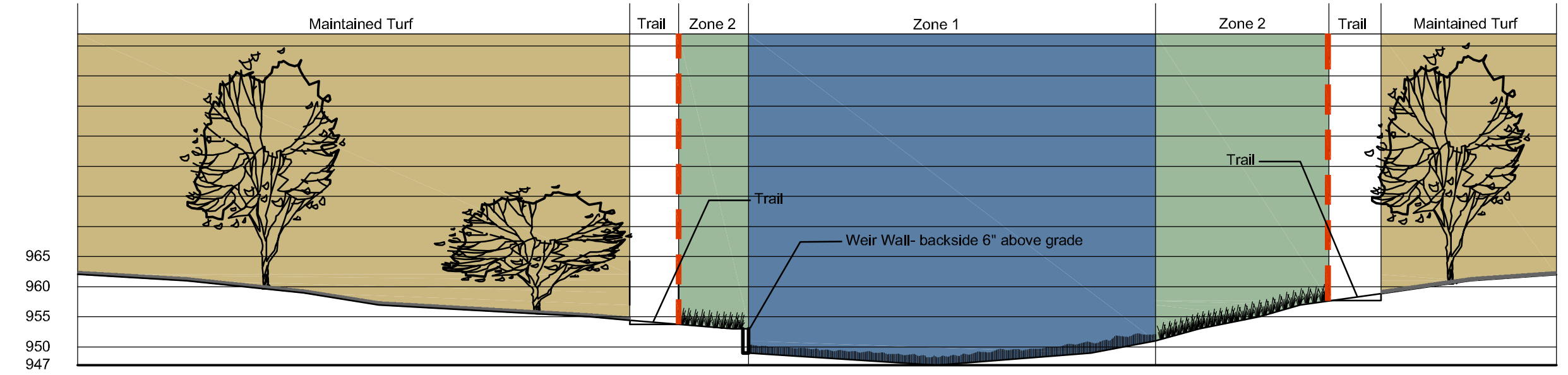
Example Native Grassland Species List (Zone 3)

Upper Channel Embankment (Zone 3)
 The following list includes native species which will be utilized in zone 3 (upper channel embankment). A minimum of fifteen (15) of the following species listed will be utilized in the native grass area. Species with an * must be included in the final species mix to the extent available. Substitutions or additions to the following species list must be approved by the owner.

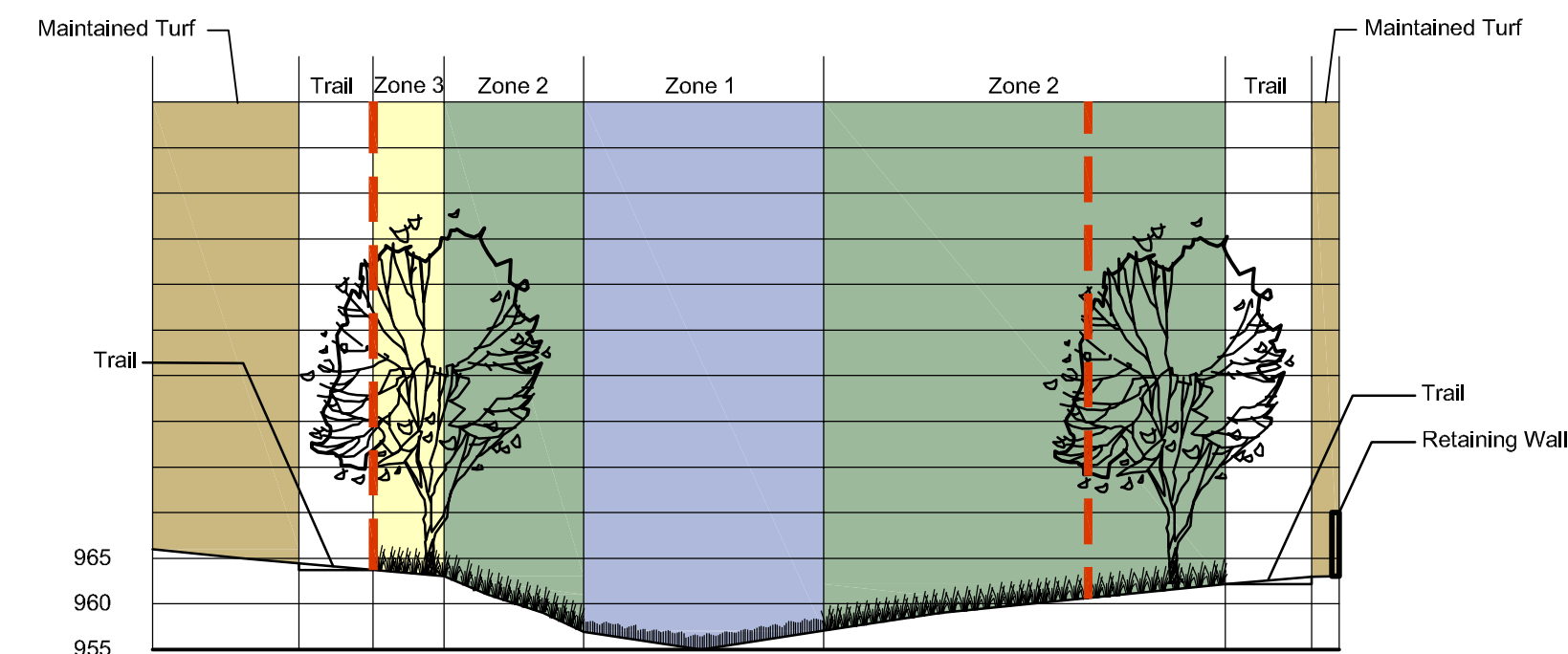
Common Name	Species Name
Big Bluestem	Andropogon gerardii
Hairy Grama Grass	Bouteloua hirsuta
Prairie June Grass	Koeleria macrantha
Gray-headed Coneflower	Ratibida pinnata
Lance-leaf Coreopsis	Coreopsis lanceolata
Blue Sage	Salvia azurea
Wild Bergamot	Monarda fistulosa
Tall Goldenrod	Solidago canadensis
Rigid Goldenrod	Solidago rigida
Foxglove Beardstongue	Penstemon digitalis
Prairie Coneflower	Ratibida columnifera
Pale Coneflower	Echinacea pallida
Golden Alexanders	Zizia aurea
Joe Peye Weed	Eupatorium maculatum
Large-flowered Beard Tongue	Penstemon grandiflorus
Common Spiderwort	Tradescantia ohioensis
Purple Prairie Clover	Dalea purpurea
*Little Bluestem	Schizachyrium scoparium
*Side Oats Grama	Bouteloua curtipendula
*Western Wheatgrass	Pascopyron Smithii
*Prairie Dropseed	Sporobolus heterolepis
*Purple Coneflower	Echinacea purpurea
*Virginia Wildrye	Elymus virginicus

Key

	Main Detention Facility
	Zone 1- Channel Bottom
	Zone 2- Toe of Slope up to 5'
	Zone 3- Entire Embankment Above Zone 2
	Maintained Turf
	Approximate Limits of 25' Buffer



Section AA
 Scale: 1" = 20'



Section BB
 Scale: 1" = 20'

Prairiefire
 AT LIONS GATE

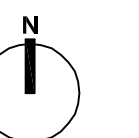


Wetland Planting - Zone Plan

Scale: 1" = 50'



February 5, 2007



OLSSON ASSOCIATES



BRIAN CLARK + ASSOCIATES
 LANDSCAPE ARCHITECTURE | PLANNING | URBAN DESIGN

Created Wetlands (Zone 1)

A minimum of fifteen (15) of the following species listed will be utilized in Zone 1 (channel bottom). Species with a ✓ will be planted as live plant materials. Substitutions or additions to the following species list must be approved by the owner.

Example Wetland Species List (Zone 1)

<u>Common Name</u>	<u>Species Name</u>
blue flag Iris	<i>Iris shrevii</i>
soft-stemmed bulrush	<i>Juncus effusus</i>
inland rush	<i>Juncus interior</i>
tickseed sunflower	<i>Bidens aristosa</i>
swamp buttercup	<i>Ranunculus septentrionalis</i>
swamp milkweed	<i>Asclepias incarnata</i>
sweetflag	<i>Acorus calamus</i>
torrey rush	<i>Juncus torreyi</i>
tapertip rush	<i>Juncus acuminatus</i>
frank's sedge	<i>Carex frankii</i>
thinscale sedge	<i>Carex hyalinolepis</i>
cardinal flower	<i>Lobelia cardinalis</i>
frog-fruit	<i>Phyla lanceolata</i>
chairmakers rush	<i>Schoenoplectus americanus</i>
spikerush	<i>Eleocharis palustris</i>
✓ hop sedge	<i>Carex lupulina</i>
✓ lurid sedge	<i>Carex lurida</i>
✓ woolgrass	<i>Scirpus cyperinus</i>
✓ dark green bulrush	<i>Scirpus atrovirens</i>
✓ prairie cordgrass	<i>Spartina pectinata</i>
✓ fox sedge	<i>Carex vulpinoidea</i>

Lower Channel Embankment (Zone 2)

A minimum of twelve (12) of the following species listed will be utilized in Zone 2 (lower channel embankment). Species with an * must be included in the final species mix to the extent available. Substitutions or additions to the following species list must be approved by the owner.

Example Wetland Species List (Zone 2)

<u>Common Name</u>	<u>Species Name</u>
woolgrass	<i>Scirpus cyperinus</i>
tickseed sunflower	<i>Bidens aristosa</i>
blue vervain	<i>Verbena hastata</i>
blue lobelia	<i>Lobelia spicata</i>
swamp buttercup	<i>Ranunculus septentrionalis</i>
cut-leaf coneflower	<i>Rudbeckia laciniata</i>
cardinal flower	<i>Lobelia cardinalis</i>
reedgrass	<i>Calamagrostis Canadensis</i>
river-oats	<i>Chasmanthium latifolium</i>
slender mountain mint	<i>Pycnanthemum tenuifolium</i>

*little bluestem	<i>Schizachyrium scoparium</i>
*Virginia wildrye	<i>Elymus virginicus</i>
*prairie cordgrass	<i>Spartina pectinata</i>
*swamp milkweed	<i>Asclepias incarnata</i>
*new england Aster	<i>Aster novae-angliae</i>
*prairie ironweed	<i>Vernonia fasciculata</i>

Upper Channel Embankment (Zone 3)

The following list includes native species will be utilized in Zone 3 (upper channel embankment). A minimum of fifteen (15) of the following species listed will be utilized in the native grass area. Species with an * will be included in the final species mix to the extent available. Substitutions or additions to the following species list must be approved by the owner.

Example Native Grassland Species List

Common Name	Botanical Name
big bluestem	<i>Andropogon gerardii</i>
hairy grama grass	<i>Bouteloua hirsuta</i>
prairie june grass	<i>Koeleria macrantha</i>
gray-headed coneflower	<i>Ratibida pinnata</i>
lance-leaf coreopsis	<i>Coreopsis lanceolata</i>
blue sage	<i>Salvia azura</i>
wild bergamot	<i>Monarda fistulosa</i>
tall goldenrod	<i>Solidago Canadensis</i>
rigid goldenrod	<i>Solidago rigida</i>
foxglove beardstongue	<i>Penstemon digitalis</i>
prairie coneflower	<i>Ratibida columnifera</i>
pale coneflower	<i>Echinacea pallida</i>
golden alexanders	<i>Zizia aurea</i>
joe pye weed	<i>Eupatorium maculatum</i>
large-flowered beard tongue	<i>Penstemon grandiflorus</i>
common spiderwort	<i>Tradescantia ohioenses</i>
purple prairie clover	<i>Dalea purpurea</i>
*little bluestem	<i>Schizachyrium scoparium</i>
*side oats grama	<i>Bouteloua curtipendula</i>
*western wheatgrass	<i>Pascopyron Smithii</i>
*prairie dropseed	<i>Sporobolus heterolepis</i>
*purple coneflower	<i>Echinacea purpurea</i>
*Virginia wildrye	<i>Elymus virginicus</i>

V Performance Standards

Mitigation site success will be determined by assessing the following performance standards.

Primary performance objective

The site will be considered successful if mitigation measures result in 0.6 acres of created and/or restored wetlands. Success will be monitored by the following:

- After one full growing season there is 70% plant cover; seedlings of three (3) planted grass and/or sedge species found.
- After five (5) full growing seasons there is 95% plant cover, and at least 51% cover by hydrophytic plant species.
- A wetland identification will be performed each year following construction; a final wetland boundary map will be completed for the site during year five (5) of the monitoring period. The site will be considered successful if, after the final monitoring, the wetlands created meet all three (3) Corps criteria for jurisdictional wetland: hydrophytic vegetation, hydric soils, and hydrology.

VI Site Monitoring

MC Prairiefire, LLC will contract a qualified contractor to complete site monitoring and assess mitigation site success relative to the performance standards identified.

Monitoring of the site will be completed biannually during the spring and fall to determine mitigation site success relative to performance standards. During the spring, the site will be visited to inspect water control structures and berms, to document overall species occurring in the mitigation area, and to identify any remedial actions that should be implemented during the growing season.

Fall monitoring will be completed in mid-August to September for the first five (5) years after site plantings are complete. Measurements of vegetation cover and frequency, and a listing of all plant species present will be included in monitoring reports. Data will be compiled and summarized in absolute and relative values for frequency and cover for each species encountered during monitoring. Permanent photostations will be established and photographs taken as a part of the annual monitoring event.

Yearly site monitoring will culminate in an annual monitoring report to the Corps of Engineers, Kansas City District for review. The report will include vegetation analysis results (percent cover, density, dominance, and general species composition), summary

Typical site maintenance measures may include:

- Late season mowing in the native grass buffer and the wetland, if necessary, to prevent seeding of nuisance species.
- Nuisance species control will include the elimination of noxious weeds, nuisance trees and shrubs in the wetland, and native grass buffer. Nuisance species measures could include burning, hand weeding, pulling of trees, and the application of herbicides (Rodeo for aquatic applications for herbaceous species and Garlon for woody species or equivalent).
- Minor grading to repair water control structures, reset outfall structures, and remove excess sediment that is preventing the flow and circulation of water. Sediment removal will not be in excess of the original as-built elevations.

VIII Financial Assurances

MC Prairiefire, LLC will provide funding for mitigation site maintenance, remedial actions, and contingency measures. During the five-year monitoring period (2008-2012), MC Prairiefire, LLC will have under contract, a qualified professional to complete site maintenance and corrective measures in the mitigation area. Maintenance and remedial actions including but not limited to:

- Nuisance species control
- Site mowing
- Transplanting in critical areas
- Reseeding
- Tree maintenance
- Re-grading

IX Mitigation Banking Measure

Development of the site will require the unavoidable impact to 1,557 linear feet (0.07 acre) of ephemeral tributary and 2.66 acres of palustrine emergent wetlands. Mitigation for project impacts will include a combination of on-site and off-site mitigation activities. On-site mitigation efforts include the creation of 0.6 acres of emergent wetlands and an approximately 25' foot wide wet meadow/native grass buffer on each side of the created wetland (1.79 acre). The 1.79 acre native buffer is proposed as mitigation for the 1,557 linear feet of ephemeral tributary. Remaining project impacts will be mitigated by purchasing credits in the Johnson County Mitigation Bank (described below). A total of 1.99 acres of wetland credits will be purchased in the bank.

of wetland success with regards to mitigation site requirements, any recommendations for corrective actions, and site photographs.

First year monitoring will be completed as described above, unless site installation is delayed until the fall. If the site is installed in early fall, a late fall monitoring of the area will be completed to assess mitigation area conditions; however, the first year monitoring will not be conducted until the fall following a full growing season. The projected five-year compliance period is outlined below:

Year 1	Growing season ending November 2008
Year 2	Growing season ending November 2009
Year 3	Growing season ending November 2010
Year 4	Growing season ending November 2011
Year 5	Growing season ending November 2012

VII Site Protection and Maintenance

The mitigation area will be restricted as per Corps of Engineers conservation easement requirements and maintained long term as a natural features amenity as well as stormwater conveyance system. The area will also be included in the City of Overland Park's stream setback ordinance which will include at least a 50' wide buffer on either side of the mitigated channel.

The mitigation area will be maintained through the ownership association as part of common area maintenance by a qualified contractor. Kansas State University's Department of Horticulture, Forestry & Recreation Resources has agreed to serve as a special consultant during the design, installation, and maintenance of the facility in order to reinforce the functional success of the system.

In addition, educational signage will be incorporated at viewing points around the created wetland. Signage may include information about; wetland functions, native vegetation found in the wetland, water quality, etc.

Johnson County Mitigation Bank

The Johnson County Mitigation Bank is a 55-acre natural conservation area created on land bordering the Blue River, the Blue Valley School District's 30-acre Wilderness Science Center, and the Wilderness Valley residential development. The bank serves as a public amenity, nature preserve, and wildlife refuge. The site includes public trails and boardwalks that wind through the preserve. Upon completion of the bank, the preserve will be donated to Johnson County Park and Recreation District and the Blue Valley School District. These organizations will maintain the land in its natural condition for perpetuity and allow public access for recreational and educational purposes.

APPENDIX A
Agency Letters



DEPARTMENT OF THE ARMY

KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

October 25, 2006

REPLY TO
ATTENTION OF:

Regulatory Branch
(200601618)

Mr. Jonathan Polak, PE
Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213-4750

Dear Mr. Polak:

This letter pertains to your application for a Department of the Army permit submitted on behalf of Merrill Companies for the Lionsgate Village mixed-use residential and commercial development. The project site is located south of 135th street between Lamar and Nall Avenue in Overland Park, Kansas. We circulated a public notice describing your activity and received the enclosed comments regarding the project. Those comments are enclosed for your information.

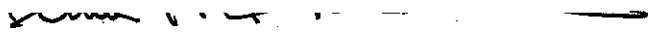
We have completed our preliminary review of the project and have no specific concerns regarding the proposed development plans for the property. Prior to issuing a permit for the proposed project, more specific plans regarding the mitigation of impacts to waters of the U.S. present on the site will need to be submitted to us for review and approval. There were no substantive comments received regarding the proposed project during the public comment period. Enclosure of the stream channel located on the western portion of the site and the proposed road alignment for 137th Street as preferred by the City of Overland Park are considered to be viable options for this project.

The Corps of Engineers will make the final decision on your application, and we will not issue a permit if issuance would be contrary to the public interest. We will consider the enclosed comments and your response, if any, along with other relevant factors in our determination of the public interest. Finally, you may choose to take no action on the enclosed comments received in response to the Public Notice. In that case, we will decide whether to issue the requested permit based on the information in your application, on the public notice comments, and on any other information we have developed about your activity from our own evaluation.

If we issue the permit, it may contain conditions that are necessary to address specific environmental issues or other public interest concerns. Some of those issues may be included in the enclosed comments, and others may be minor issues which are not in the enclosed comments.

In summary, we are forwarding the enclosed comments for your information and you do not have to respond. If you wish to respond in any way for consideration in our final decision, we encourage you to do so. However, we intend to finish processing your application as soon as possible. If you do not reply within 15 days, we will assume you are declining this opportunity to respond. If you have any questions concerning this matter, please feel free to write or call me at 816-389-3703 (FAX 816-389-2032).

Sincerely,



Brian T. Donahue
Regulatory Specialist
Kansas City Regulatory Branch

Enclosures

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch w/enclosures
U.S. Fish and Wildlife Service,
Manhattan, Kansas w/enclosures
Kansas Department of Agriculture
w/enclosures
Kansas Department of Health and
Environment w/enclosures
Kansas Department of Wildlife and Parks
Pratt, Kansas