



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

REPLY TO
ATTENTION OF:

MARCH 11, 2008

Regulatory Branch
(2007-612)

Mr. Pat Ruelle
Skyport, LLC
6800 Lake Drive, Suite 125
West Des Moines, IA 50266

Dear Mr. Ruelle:

This is in response to your request for a modification of Department of the Army (DA) permit No. 2007-612. Your request has been reviewed in accordance with Federal regulation Title 33 Code of Federal Regulations (C.F.R) 325.7 and with Section 404 of the Clean Water Act (Title 33 United States Code Section 1344 (33 U.S.C. 1344)). It has been determined that your proposed modification will not significantly increase the scope of the previously authorized activity.

Therefore, in accordance with your request, DA permit No. 2007-612 is hereby modified to authorize the proposed changes made regarding the mitigation plan and drawings shown as Exhibit 1 of the previously approved permit action. The modified work requires that you accept and comply with the following special conditions and mitigation site locations as specified on the attached Drawings. Special condition " b " is hereby modified to read:

b. The applicant must create 1.30 acres of palustrine emergent wetlands, create 3.30 acres of forested/wet meadow wetlands, 3.2 acres of upland buffer around the created wetlands and create 860 linear feet of tributary channel. The mitigation must be carried out as described in the revised mitigation plan and as shown on the maps of the mitigation locations attached to this permit as Drawings A, B, C, D and E.

All other work shall be accomplished in accordance with the previously furnished general and special conditions of your existing permit.

If you agree with the terms and conditions of this DA permit modification, please acknowledge acceptance within 10 days of your receipt of this letter, and attach a copy of this letter and enclosures to your copy of permit No. 2007-612 in order to reflect all work authorized under the permit. This is a legal document and you are legally bound by the terms and conditions upon acknowledgement, or upon expiration of any Administrative Appeal options if exercised. This modification does not preclude the necessity of obtaining other Federal, state, or local approval for the work.

If you object to the terms and conditions of this DA permit modification, you may request reconsideration under the Administrative Appeals program, or you may request, within 10 days of your receipt of this letter, a meeting with the District Engineer, or a public hearing. Enclosed you will find a Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request reconsideration of this decision you must submit a completed RFA form to the Kansas City District at the following address:

District Commander
ATTN: Regulatory Branch Chief
U.S. Army Engineer District, Kansas City
601 East 12th Street, Room 706
Kansas City, MO 64106-2896
Voice: 816-389-3990, FAX: 816-389-2032

In order for an RFA to be accepted by the U.S. Army Corps of Engineers (Corps), the Corps must determine that it is complete, that it meets the criteria for reconsideration under 33 C.F.R. Part 331.6.b., and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by _____.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

A copy of this letter is being provided to Ms. Eva Moritz of Terracon Consulting. If you have any questions concerning the work authorized by this letter, contact Mr. Brian Donahue at (816) 389-3703 or FAX at (816) 389-2032.

Sincerely,

Roger A. Wilson, Jr.
Colonel, Corps of Engineers
District Commander



By: Mark D. Frazier
Branch Chief
Regulatory Branch

Enclosure