



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

January 13, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch
(NWK-2008-0943)
(Johnson County, KS)

Mr. David Flick
Terra Technologies
4707 West 135th Street, Suite 280
Leawood, Kansas 66224

Dear Mr. Flick:

Permit No. NWK-2008-0943 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 Regulatory Project Manager Katherine Dunn by phone at 816-389-3656 (FAX 816-389-2032) or via e-mail at katherine.r.dunn@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.

Sincerely,

David R. Hibbs
Regulatory Program Manager
Operations Division

Enclosures

Copies Furnished:

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

DEPARTMENT OF THE ARMY PERMIT

Permittee Hedge 175 Associates, LLC

Permit No. NWK-2008-0943

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: The Permittee is authorized to place in pipe and backfill 3,506 linear feet of non-relatively permanent waters for the commercial development of a 230-acre parcel of land located northwest of the intersection of Hedge Lane and 175th Street in Olathe, Kansas. To fulfill the mitigation requirements of this permit, the permittee is authorized to place 27 cubic yards of riprap into non-relatively permanent waters for the construction of two (2) grade control structures to reduce stream down-cutting.

Permit Drawing(s): Location map, plan view, cross section: Sheets 3 of 3, dated December 31, 2008.

Project Location: In an unnamed tributary to Cedar Creek in Section 21, Township 14 south, Range 23 east in Johnson County, Kansas.

(Quad/Ocheltree, Latitude 38.81469750/ Longitude 94.85944229)
(Mitigation area – Quad/Ocheltree, Latitude 38.82074327/ Longitude 94.86175705)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2011. 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 sheet(s), page(s) 4 (and 5), of this document.

Further Information:

I. 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.

