



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

April 5, 2016

Regulatory Branch
(NWK-2013-01082)
(Leavenworth, KS, NWP 27)

Mr. Shane C. Staten
Terra Technologies
6240 West 135th Street, Suite 100
Overland Park, Kansas 66223

Dear Mr. Staten,

This letter pertains to an application submitted on behalf of Swallow Tail, LLC for a Department of the Army (DA) permit to construct the Little Stranger Creek Wetland and Stream Mitigation Site #1. The work concerns the following activities: 1) the rehabilitation and enhancement of existing wetlands, 2) the restoration of existing streams, and 3) the installation of in-stream structures. The activities will involve the placement of fill material within Little Stranger Creek, unnamed tributaries to Little Stranger Creek and their adjacent wetlands. The project is located in the southwest quarter of Section 19, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

The Corps of Engineers issued an approved jurisdictional determination on September 9, 2013 that determined Little Stranger Creek, the unnamed tributaries to Little Stranger Creek and their adjacent wetlands are jurisdictional waters of the United States. Therefore, the placement of dredged or fill material below the ordinary high water elevation or within wetlands as proposed by your project requires permit authorization from this office. 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). The implementing regulation for this Act is found at 33 CFR 320-332.

We have reviewed the information furnished and have determined that your project is authorized by nationwide permit (NWP) 27, **Aquatic Habitat Restoration, Establishment and Enhancement Activities**, provided you ensure that the conditions listed in the enclosed copy of excerpts from the February 21, 2012 Federal Register, Issuance 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>

The District Engineer has further conditioned this permit authorization to include the following special permit condition:

All work performed within waters of the United States must be undertaken in accordance with the Final Mitigation Plan for the Little Stranger Creek Wetland and Stream Mitigation Site #1 dated

February 2016 and the Mitigation Plan Figures provided in Appendix 1-C. Any deviation from the approved mitigation plan must receive prior written approval from the Corps. The Corps will consult with the interagency review team (IRT) regarding any requested modifications.

The Kansas Department of Health and Environment (KDHE) has certified that this NWP will not violate existing state water quality standards provided you comply with the conditions included in their attached letter. All conditions included in the water quality certification become conditions of the NWP authorization, please carefully review all conditions associated with this NWP. If you have any questions concerning state water quality standards or compliance issues with the associated certification conditions, please contact KDHE at 785 296 5573, Bureau of Water – NPS Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

General condition 30 requires you to sign and submit the enclosed "Compliance Certification" upon completion of the authorized work and any required mitigation.

This NWP verification is valid until March 18, 2017. 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 an individual DA permit is not required, 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: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail.

Mr. Justin Hughes, Regulatory Project Manager, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Hughes at (816) 389-3211 or via email at justin.w.hughes@usace.army.mil. Please reference Permit No. 2013-01082 in all comments and/or inquiries relating to this project.

Enclosures

Copies Furnished (electronically w/o enclosures):

Environmental Protection Agency,
Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service, Manhattan, Kansas
Kansas Department of Wildlife, Parks and Tourism
Kansas Department of Health and Environment
Kansas Department of Agriculture

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 upon completion of the project.

APPLICATION NUMBER: NWK-2013-01082

APPLICANT: Swallow Tail, LLC
24820 Miller Road
Harrisonville, Missouri 64701

PROJECT LOCATION: The project is located within waters of the United States in the southwest quarter of Section 19, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

Latitude: 39.160760° --- Longitude: - 95.006607°

- 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 Regulatory Office, OD-R
601 East 12th Street, Suite 402
Kansas City, MO 64106-2824