



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

June 14, 2016

Regulatory Branch  
(NWK-2015-00160)

Mr. David L. Flick  
Swallow Tail, LLC  
24820 Miller Road  
Harrisonville, Missouri 64701

Dear Mr. Flick,

This letter serves as notification that the Upper Osage Wetland and Stream Umbrella Mitigation Bank, which includes the Pottawatomie Creek Mitigation Site #1 (Mitigation Site #1), is approved. Mitigation Site #1 is located adjacent to Pottawatomie Creek, in Sections 13 and 24, Township 18 South, Range 21 East and in Section 18, Township 18 South, Range 22 East, in Miami County, Kansas. The signature pages of the interagency review team (IRT) members are enclosed for inclusion in your copy of the final mitigation banking instrument (MBI).

As stated in Section V of the Final Mitigation Plan, the mitigation activities performed at Mitigation Site #1 will potentially generate 95.62 acres of wetland credits and 72,593 stream credits. In accordance with Section V (B) of the final MBI, the Corps will release 20 percent of the potential wetland and stream credits upon receipt of an irrevocable letter of credit and recorded conservation easement. An additional 30 percent of the potential wetland and stream credits will be released after receipt of acceptable as-built drawings and the first monitoring report demonstrating wetland hydrology at wetland sample locations.

The Corps, in consultation with the IRT, will review annual monitoring reports and release the balance of potential credits based on achievement of the ecological performance standards described in Section IV (H) of the final MBI and Section VIII of the Final Mitigation Plan for Mitigation Site #1. In addition to the final monitoring report, the final credit release will require IRT approval of the long-term management plan including financial assurances.

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](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.

If you have any questions concerning this matter, please contact Mr. Justin W. Hughes, Regulatory Project Manager, at 816-389-3211 or via email at [justin.w.hughes@usace.army.mil](mailto:justin.w.hughes@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "M D F", written over a white background.

Mark D. Frazier  
Chief, Regulatory Branch  
Operations Division

Enclosures

**XV. EXECUTION AND AGENCY CONCURRENCE**

The Kansas City District, Corps of Engineers, along with the members of the Interagency Review Team, have participated with the bank sponsor (Swallow Tail, LLC) in the development of the Pottawatomie Creek Wetland and Stream Mitigation Site #1 and this mitigation plan.

I have determined that the final mitigation plan is complete and that the establishment of the Pottawatomie Creek Wetland and Stream Mitigation Site #1, as part of the Upper Osage River Wetland and Stream Umbrella Mitigation Bank, will provide appropriate compensation for impacts to wetlands and streams associated with unavoidable impacts to these resources that result from activities authorized by the Kansas City District's issuance of Department of the Army Permits.



Date: 14 JUNE 2016

Mark D. Frazier, Chief  
Regulatory Branch  
Operations Division  
Corps of Engineers

TERRA TECHNOLOGIES



**X. EXECUTION AND AGENCY CONCURRENCE**

The Kansas City District, Corps of Engineers, along with the members of the Interagency Review Team, have participated with the bank sponsor (Swallow Tail, LLC) in the development of the Upper Osage River Wetland and Stream Umbrella Mitigation Bank and this banking instrument.

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Date: 14 JUNE 2016

Mark D. Frazier, Chief  
Regulatory Branch  
Operations Division  
Corps of Engineers

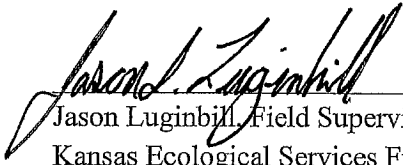


**TERRA TECHNOLOGIES**

IRT CONCURRENCE:

The U.S. Fish and Wildlife Service, along with the members of the Interagency Review Team, has participated with the bank sponsor (Swallow Tail, LLC) in the development of the Upper Osage River Wetland and Stream Umbrella Mitigation Bank and this banking instrument.

I concur that the final banking instrument is complete and that the establishment of the Upper Osage River Wetland and Stream Umbrella Mitigation Bank will provide appropriate compensation for impacts to wetlands and streams associated with unavoidable impacts to these resources that result from activities authorized by the Kansas City District's issuance of Department of the Army Permits.

  
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Jason Luginbill, Field Supervisor  
Kansas Ecological Services Field Office  
U.S. Fish and Wildlife Service

Date: 06/09/2016

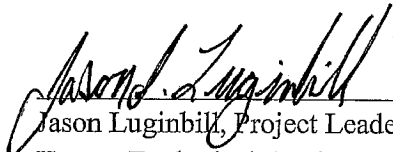


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Jason Luginbill, Project Leader  
Kansas Ecological Services Field Office  
U.S. Fish and Wildlife Service

Date: 06/09/2016



IRT CONCURRENCE:

The Kansas Department of Wildlife & Parks, Ecological Services Section, along with the members of the Interagency Review Team, has participated with the bank sponsor (Swallow Tail, LLC) in the development of the Pottawatomie Creek Wetland and Stream Mitigation Site #1 and this mitigation plan.

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Keith Sexson

Date: 6-6-2016

Keith Sexson, Assistant Secretary  
Kansas Department of Wildlife, Parks, and Tourism

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The Kansas Department of Wildlife & Parks, Ecological Services Section, along with the members of the Interagency Review Team, has participated with the bank sponsor (Swallow Tail, LLC) in the development of the Upper Osage River Wetland and Stream Umbrella Mitigation Bank and this banking instrument.

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Keith Sexson  
Keith Sexson, Assistant Secretary  
Kansas Department of Wildlife, Parks, and Tourism

Date: 6-6-2016