



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

REPLY TO
ATTENTION OF:

August 16, 2007

Regulatory Branch
(2007-766)

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

Dear Mr. Flick:

As requested by an application received on behalf of Cameron General Contractors, enclosed is a proposed Department of the Army (DA) permit, in duplicate, with drawings attached. When executed, the permit will authorize plans to place fill material within waters of the U.S. for development of commercial property. The project is located in Section 1, Township 51 North, Range 34 West, Platte County, Missouri

A copy of the water quality certification issued for your work, by the Missouri Department of Natural Resources has been attached to the enclosed DA permit. As stated in general condition "5" of the enclosed permit document, the conditions presented in the state's water quality certification are incorporated into the special conditions of the permit by reference.

This letter contains an initial proffered permit for the proposed project. If you object to the permit because of certain terms and conditions therein, you may request that the permit be modified accordingly. 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: William R. Jeffries
Acting Chief, Regulatory Branch
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

OCT 15 2007

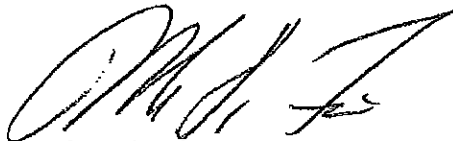
It is not necessary to submit an RFA form to the District Office if you do not object to the provisions of your initial proffered permit. If you wish to accept the permit in its present form, please sign the original and duplicate copy of the enclosed permit document. Each copy of the permit document should be signed on page 3 above the word "Permittee," dated, and returned within 30 days from the date of this letter. Also, the application fee of \$100 should be paid by check made payable to USAED-KC and remitted with the permit document. A preaddressed envelope is enclosed for your convenience. Upon receipt of the properly signed documents and the application fee, the permit will be executed and returned to you for your files. Your signature on the standard permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

Special condition "a" of the permit document requires you to complete and return a "Compliance Certification" upon completion of the authorized work and any required mitigation. The "Compliance Certification" form will be provided to you when your DA permit is executed.

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.

If you have any questions concerning this matter, please contact Brian Donahue at (816) 389-3703.

Sincerely,



Mark D. Frazier
Regulatory Program Manager
Regulatory Branch, Operations Division

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Cameron General Contractors **File Number:** 2007-0766 **Date:** AUG 16 2007

Attached is: See Section below

XX	A. INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	B. PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	C. PERMIT DENIAL	C
	D. APPROVED JURISDICTIONAL DETERMINATION	D
	E. PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding a modification, reconsideration, or administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/ccwo/reg-or/Corps/regulations-at-33-CFR-Part-331>.

A: INITIAL PROFFERED PERMIT: You may accept or request modification of the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **REQUEST MODIFICATION:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept the approved JD, appeal the approved JD, or submit new information and request reconsideration of the approved JD.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer (address on page 2). This form must be received by the Division Engineer within 60 days of the date of this notice.
- **RECONSIDERATION BASED ON NEW INFORMATION:** You may submit new information to the District Engineer for reconsideration of an approved JD. You must submit the information within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II—Fill out this section and return this form to the appropriate office only if submitting a request for modification or reconsideration to the District Engineer, or if submitting a request for Administrative Appeal to the Division Engineer. All such submittals must be made within 60 days of the date of this notice.

Submit the following requests to the District Engineer:

- A. Modification of an INITIAL PROFFERED PERMIT (Item A)
- D. Reconsideration of an APPROVED JURISDICTIONAL DETERMINATION based on NEW INFORMATION (Item D RECONSIDERATION)

Submit the following requests to the Division Engineer:

- B. Administrative Appeal of a PROFFERED PERMIT (Item B)
- C. Administrative Appeal of a PERMIT DENIAL (Item C)
- D. Administrative Appeal of an APPROVED JURISDICTIONAL DETERMINATION (Item D APPEAL) (for reasons other than reconsideration of an approved JD based on new information)

(Note: Preliminary Jurisdictional Determinations (Item E) are not appealable. If you have concerns regarding a preliminary Jurisdictional Determination, you can request an approved Jurisdictional Determination.)

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

SUBMITTAL OF NEW OR ADDITIONAL INFORMATION: The District Engineer may accept and consider new information if you request a modification to an initial proffered permit (Part A), or a reconsideration of an approved JD (Part D). An administrative appeal to the Division Engineer is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the administrative record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**U.S. Army Engineer District, Kansas City
DISTRICT ENGINEER
Attn: William R. Jeffries
Acting Chief, Regulatory Branch
601 East 12th Street, Room 706
Kansas City, MO 64106-2396
Telephone: 816-389-3990**

(Use this address for submittals to the District Engineer)

If you wish to submit an appeal or have questions regarding the appeal process you may contact:

**U.S. Army Engineer, Northwestern Division
DIVISION ENGINEER
ATTN: Karen Kochenbach
Regulatory Program Manager
Post Office Box 2870
Portland, Oregon 97208-2870
Telephone: 503-808-3888**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>_____ Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>
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DEPARTMENT OF THE ARMY PERMIT

Permittee Cameron General Contractors

Permit No. NWK-2007-766

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: This permit authorizes the placement of fill material within a 0.36 acre open water pond and 910 linear feet (0.04 acres) of stream channel for general grading and fill activities related to the construction of an independent living center, other facilities and roads on a 20-acre project site.

Permit Drawing(s): Location map, plan views, Sheets 3 of 3 dated 24 July 2007

Project Location: In Section 1, Township 51 North, Range 34 West, Platte County, Missouri

(Lat: 39.2586, Long: -94.6702)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2009. 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 sheets, pages 4 and 5, of this document.

Further Information:

1. 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.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

(DATE)

ROGER A. WILSON, JR., COLONEL

BY: Mark D. Frazier

Regulatory Program Manager

Regulatory Branch, Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Special Conditions:

- a. You must sign and return a "Compliance Certification" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and specific conditions, and that any required mitigation was completed in accordance with the permit conditions.
- b. You must enhance and protect from further disturbance a 2-acre riparian area alongside a tributary of Rush Creek as indicated and described in the mitigation plan and shown on the map attached to this permit.
- c. A conservation easement or deed restriction must be submitted and approved by the Corps of Engineers for the protection and preservation of the mitigation area prior to performing work within waters of the U.S. on the project site. All mitigation work must be accomplished in accordance with Regulatory Guidance Letter 02-02 dated 24 December 2002, Regulatory Guidance Letter(RGL) 06-03 dated 19 September 2006 and the mitigation details submitted for this work, dated April 2006 and attached to this permit. The applicant and/or his authorized agent shall be responsible for meeting the success criteria of the mitigation plan and submitting an annual report for a period of five years or until these criteria have been met and the mitigation work deemed fully successful by this office.
- d. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.
- e. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.
- f. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.
- g. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
- h. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.
- i. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
- j. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.

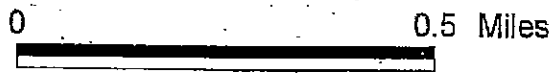
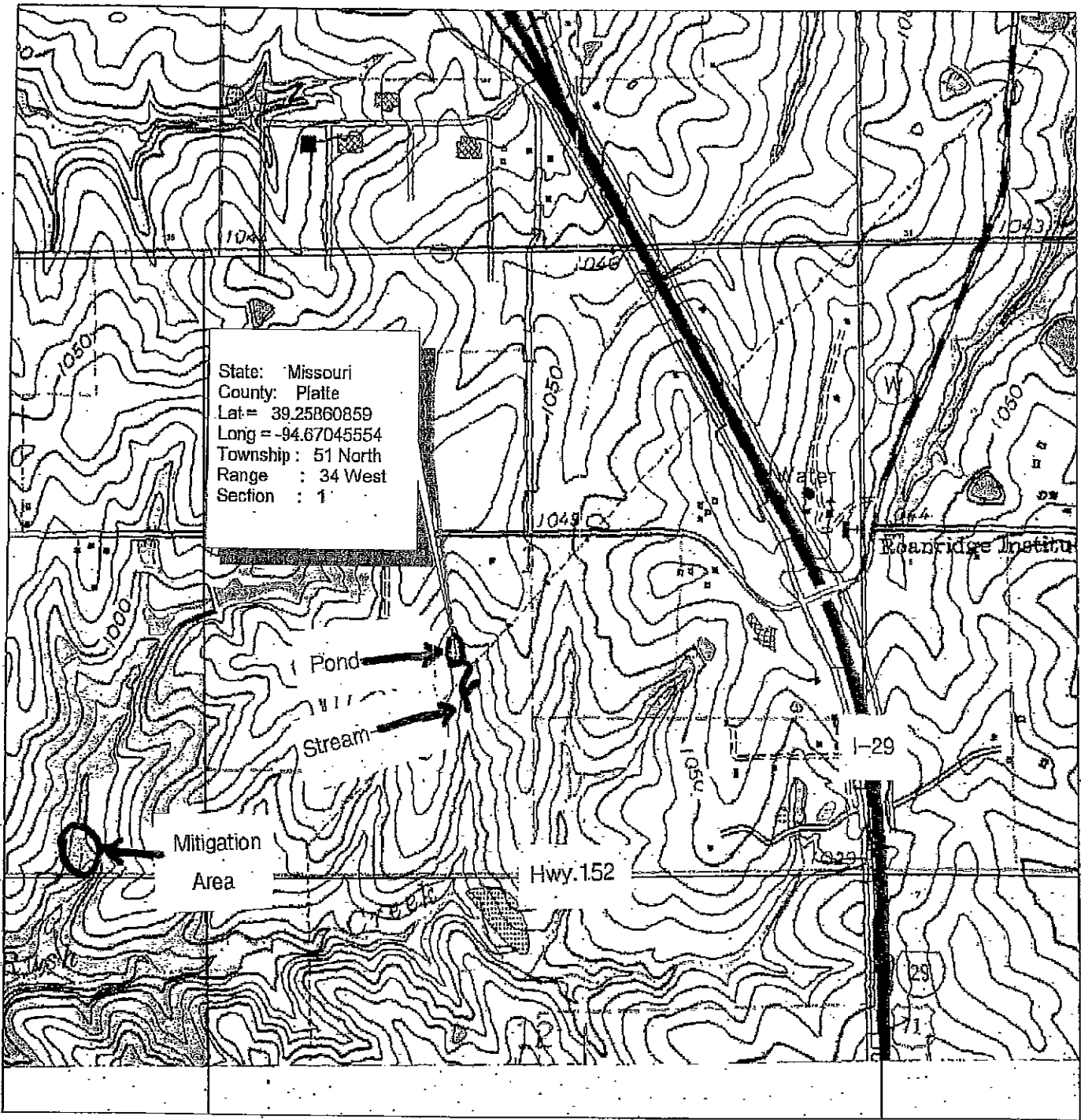
k. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work. Clearing, grading and replanting should be planned and timed so that only the smallest area necessary is in a disturbed, unstable or unvegetated condition.

l. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction. If seeding does not successfully vegetate the disturbed areas by the end of the first growing season, you must implement alternate measures to protect the disturbed areas from further erosion. You must contact the Kansas City District, Regulatory Branch prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.

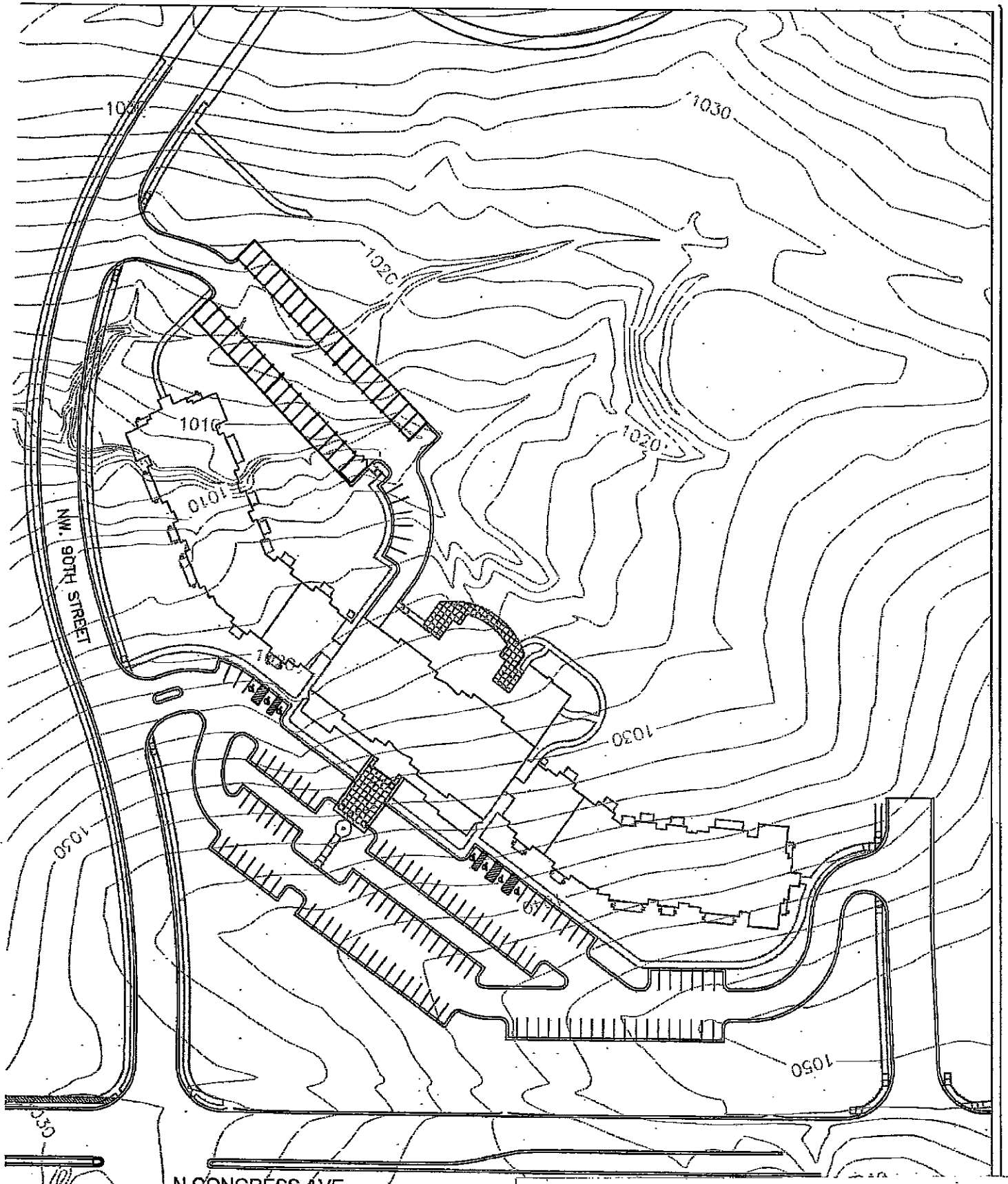
m. You must take the actions required to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. You must furnish a copy of the recorded instrument, with the recorder's stamp, to the Kansas City District within 2 months from the date of this permit.

n. You must use only graded rock and/or quarry-run rock for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume.

Cameron General Contractors 2007-766



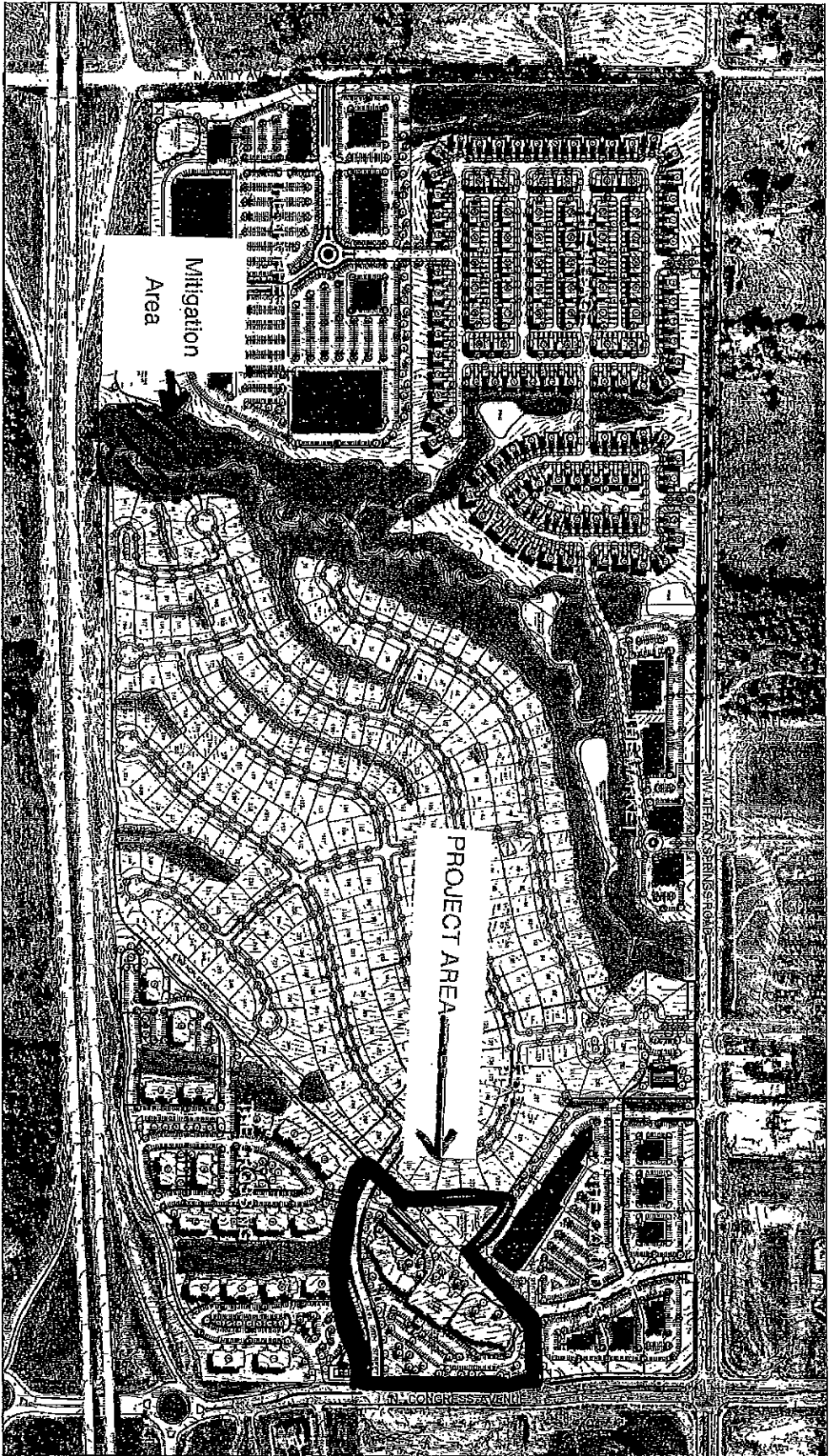
PERMIT NO. NWK-2007-766
CAMERON GENERAL CONTRACTORS
SENIOR LIVING CENTER
PLATTE COUNTY, MISSOURI
SHEET 1 OF 3, DATED 24 JULY 2007



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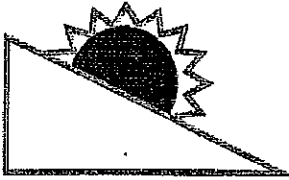
DATE	10/24/07
BY	JG
CHECKED BY	JK
SCALE	AS SHOWN
SHEET NO.	1
TITLE	Site Plan
PROJECT	Senior Assisted Living
CLIENT	Cameron General Contractors

PERMIT NO. NWK-2007-766
 CAMERON GENERAL CONTRACTORS
 SENIOR LIVING CENTER
 PLATTE COUNTY, MISSOURI
 SHEET 2 OF 3, DATED 24 JULY 2007



RIVERSTONE
PROPOSED
MASTER PLAN
NOVEMBER 2006

PERMIT NO. NWK-2007-766
CAMERON GENERAL CONTRACTORS
SENIOR LIVING CENTER
PLATTE COUNTY, MISSOURI
SHEET 3 OF 3, DATED 24 JULY 2007



TERRA TECHNOLOGIES

MITIGATION PLAN Permit 2007-0766 (Cameron General Contractors)

BASELINE INFORMATION

Definition of Location, Type, Function of Impact Debit

Impact debit type and function are described for ephemeral and intermittent channels on an attached worksheet titled "Adverse Impact Factors for Riverine Systems Worksheet". The worksheet was developed by the Kansas City branch of the US Army Corps of Engineers (CE) in cooperation with the State of Missouri Department of Natural Resources Water Pollution Control Department (MDNR) and other state and federal agencies to quantify the type and function of tributaries impacted by the placement of fill at or below the ordinary high water mark.

The worksheet determines that two thousand nine hundred and sixty two (2,962) functional debits result from the proposed construction of the Senior Independent Living residential subdivision per the development plan included with Permit 2007-0766 (Individual 404 Permit Application).

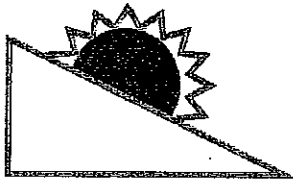
Additionally, the project proposed to impact 0.36 acres of jurisdictional other waters (open water pond).

Impacts are located in an upland setting on a tract of land currently in agricultural row crop production.

GOALS OF THE MITIGATION

The mitigation goal of this project is three-fold;

- (1) Replace functions lost through the fill of upland ephemeral tributaries resulting in the credit of two thousand nine hundred and sixty four (2,964) credits as shown on the attached "Riparian Buffer Creation, Enhancement, Restoration, and Preservation Worksheet" developed by the CE and MDNR.
- (2) Protect and preserve, through avoidance, the remainder of jurisdictional waters within and adjacent to the proposed development site.



TERRA TECHNOLOGIES

SITE PROTECTION

A conservation easement, proposed for assignment to the Midwest Mitigation Oversight Association, will be filed with the Recorder of Deeds at Platte County Missouri to provide independent verification that the site is preserved through perpetuity.

The Midwest Mitigation Oversight Association is a Missouri Limited Liability Company whose sole purpose is to hold conservation easements and provide independent verification of property use oversight per the specific details of the site specific conservation declaration approved by the Corps of Engineers.

CONTINGENCY PLAN

Not applicable.

FINANCIAL ASSURANCES

Contract documents require the general contractor to provide necessary bonding to ensure project completion and maintenance.

MITIGATION TYPES

The proposed project represents the manipulation of physical, chemical, and biological characteristics of the site with the goal of improving natural/historic riparian and wetland functions. Mitigation types thus include wetland enhancement and riparian corridor enhancement.

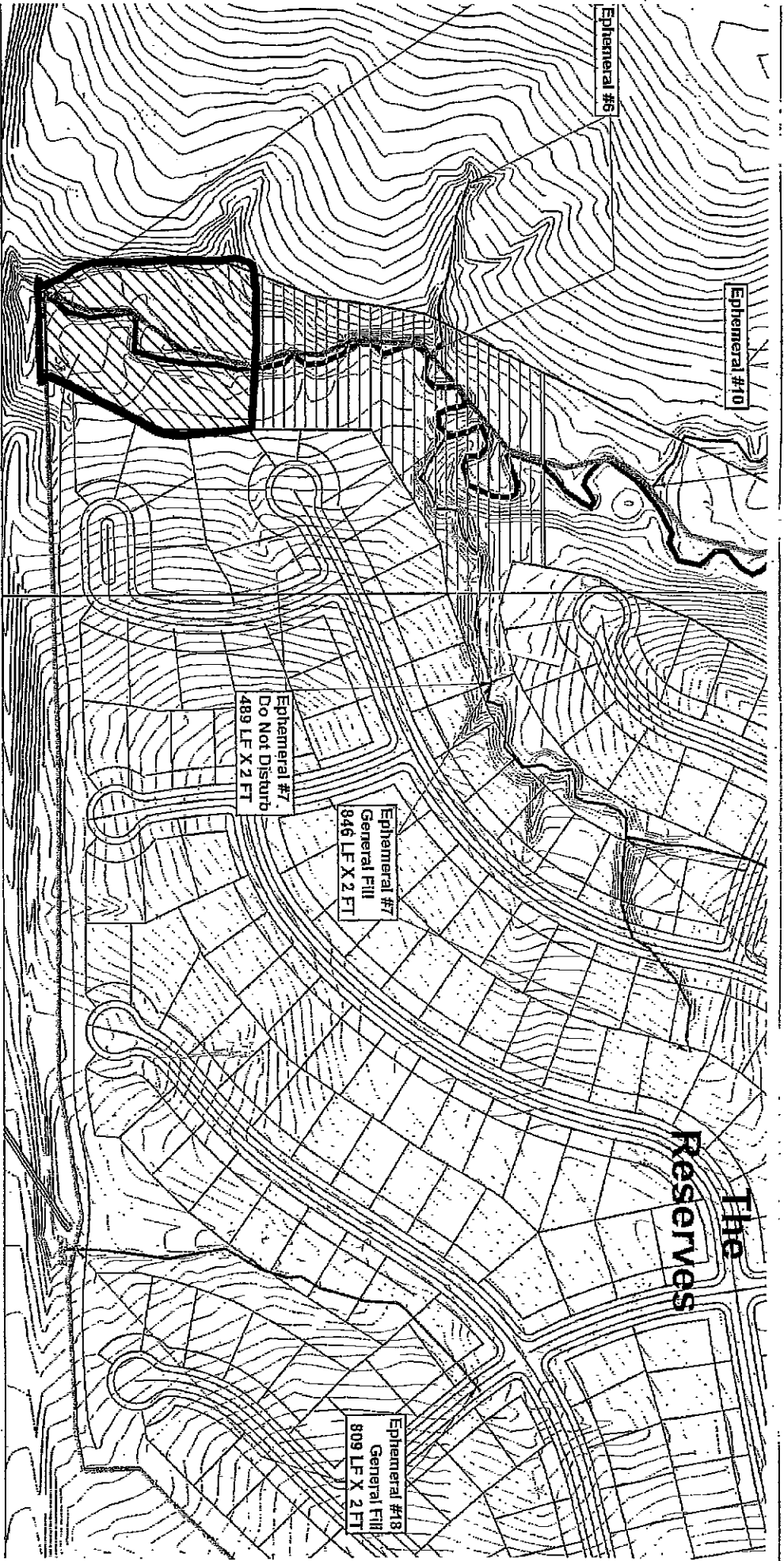
Submitted by,
TERRA TECHNOLOGIES INC.

David L. Flick
Principal

4707 West 135th Street, Suite 280 • Leawood, KS 66224

Phone: 913-385-9560 • Fax: 913-385-5295

<http://www.terratechnologies.com> • e-mail: terratech@terratechnologies.com



**Permit 2007-0766 Cameron General Contractors
2.08 Acres Riparian Enhancement (2,964 Credits)**