



Department of Health and Environment

Robert C. Harder, Secretary

Reply to: 913-296-5556

June 23, 1993

Mr. JW Russell  
JW Russell Construction Co., Inc.  
P.O. Box 9007  
Wichita, KS 67277

Post-It™ brand fax transmittal memo 7671		# of pages	2
To	MIKE LUDEBAK	From	KENNY HILL
Co.		Co.	
Dept.		Phone #	
Fax #	268-4114	Fax #	

Subject: Stormwater Construction Permit Application

FILED JUN 27 1993

Dear Mr. Russell:

KDHE is in receipt of your May 27, 1993 letter regarding a Stormwater Discharge Permit for construction activities at the Meadow Oaks Addition. KDHE is in the process of developing a stormwater construction permit, however, at this time it has not been finalized. At this time, KDHE does require that a stormwater pollution prevention plan be completed and implemented at the time the project breaks ground and revised as necessary during the construction process. The format and contents of the stormwater pollution prevention plan should follow closely the US Environmental Protection Agency (EPA) guidance document, STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES-Developing Pollution Prevention Plans and Best Management Practices, and Office of Water, EPA, 832-R-92-005 (September 1992). This document can be obtained from National Technical Information Service (NTIS) at (703) 487-4650. The NTIS order # is PB92-23591. This pollution prevention plan is a requirement of the EPA general permit for stormwater discharges from construction activity. This permit was published in the federal register on September 25, 1992 pages 44412-44435. KDHE's general permit for construction activity will contain similar requirements when issued at a later date.

Formal approval of the stormwater pollution prevention plan is not required by KDHE prior to the initiation of construction activities. However, a copy of the plans shall be made available on request to KDHE or the local agency approving sediment and erosion plans, grading plans or stormwater management plans.

If the stormwater pollution prevention plan includes stormwater runoff/sediment erosion control ponds, KDHE opposes the practice of excavating these ponds into the groundwater table. By removal of the protective soil layer over lying the aquifer, groundwater will be exposed to surface conditions including surface water drainage and site runoff. Such conditions may cause deterioration or contamination of the groundwater with enorganic (nitrate and phosphorus, fertilizers or sodium chloride-rock salt), organic (asphalt, gasoline, oil or solvents) and pesticide (insect or weed killers) contaminants. Excavations resulting in the permanent exposure of groundwater create a surface water body subject to state water quality standards. These water bodies constitute waters of the state and must be designed and maintained to meet water quality criteria. The Kansas Annotated Regulation (KAR) 28-16-28e provides that groundwater recharge must meet drinking water standards. The sediment control ponds shall not degrade groundwater quality or violate the state water quality criteria of KAR 28-16-28.

Mr. JW Russell  
June 23, 1993  
Page 2

The construction permit application for the Breezy Pointe Second Addition submitted by you on May 5, 1993, shows a site map which includes a pond. If the Russell Construction Company is proposing any stormwater runoff/sediment control ponds to be excavated into the groundwater, KDHE requires the stormwater pollution prevention plan address compliance with state water quality criteria of KAR 28-16-28 and non-degradation of the groundwater quality and be submitted to this office for review. If you have any questions, please contact me at 913-296-5556.

Sincerely,



Marian Massoth, P.E.  
Industrial Programs Section  
Bureau of Water

ld

C-

Mr. Mike Lindebak  
South Central District  
Meadow Oaks Stormwater File  
Breezy Pointe Second Addition Stormwater File

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO 2

October 13, 1994

STAFF REPORT  
(Preliminary Plat)

CASE NUMBER: S/D 94-72 MEADOW OAKS SECOND ADDITION

OWNER/APPLICANT: 3-AH Inc., 455 N. Maize, Wichita, KS 67212

SURVEYOR/ENGINEER: Yung Design Group, 4912 East 29th Street North, Wichita, KS 67220  
and  
Poe and Associates of Kansas, Inc., 434 N. Oliver, Wichita, KS 67208

LOCATION: East of Beacon Hill Road and south of 29th Street North

SITE SIZE: 8.69 Acres

NUMBER OF LOTS

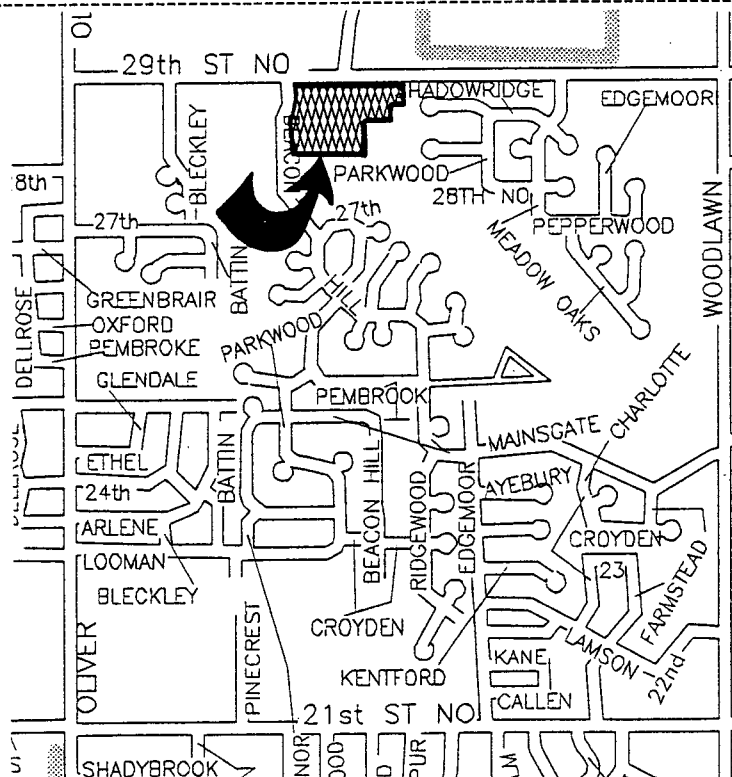
Residential: 26  
Office:  
Commercial:  
Industrial:  
Total: 26

MINIMUM LOT AREA: 7,675 sq. ft.

CURRENT ZONING: "AA" with DP-147

PROPOSED ZONING:

VICINITY MAP:



STAFF COMMENTS:

NOTE: This plat involves a replat of a portion of the previously platted, Meadow Oaks (1st) Addition. The area west of lot 7, block 1 and lot 14, block 2 was originally platted as one large lot, intended as a possible church site. The eastern portion of the site was platted into one-family lots centered around a cal-de-sac in a fashion similar to the lots shown around Parkwood Court. This replat now allows Shadowridge to be developed as a continuous street out to Beacon Hill Road and 29th Street North. The original Meadow Oaks plat had provided only one street in and out of the Addition with an emergency access easement in the area of what is now being platted as lots 9 and 10, block 1. This replat now overcomes the safety concerns that were originally raised by providing two normal street entrances into this Addition and the original Addition.

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City water to serve the lots being platted.
- C. The applicant shall guarantee any drainage improvements required by the platting of this property.
- D. The applicant shall guarantee the paving of the proposed interior streets.
- E. City Engineering also needs to indicate if there are any projects or associated costs needing to be recovered due to the abandonment of projects as a result of this replat.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. The final plat shall state in the plattor's text the purposes of the proposed reserve as well as who is to own and maintain the reserve.
- H. Provisions shall be made for ownership and maintenance of the proposed reserve. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserve will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also note that the homeowner is association will be responsible for maintaining the "parking strip" located between the north line of this plat and the paved surface of 29th Street North.
- I. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- J. On the final plat, the plattor's text shall note the platting of the wall easement and that utilities may cross this easement.
- K. The plattor's text shall also note the dedication of access control to 29th Street North from the abutting lots.

- L. Since this is a replat, proper reference to KSA 12-512(b) as amended, shall be noted in the surveyor's text as to the vacation of easements, setbacks, etc.
- M. On the final plat, additional information needs to be provided to adequately describe certain easements. In particular dimensions, better labeling, etc. of the easements within lots 1 and 2, and lots 8 thru 14 of block 2 need to be provided. Also, for lots 14, 15, & 16 of block 2, it does not appear that a 20 foot easement is all being located along the south line of these lots and the easement needs to be more carefully labeled.
- N. If minimum building pad-elevations are required for this Addition, such elevations shall be noted both on the face of the plat and within the plat's text. These elevations shall be shown in both mean sea level and City Datum noting if the elevations are for the lowest opening or floor elevations. Both on-site and off-site bench marks shall also be indicated.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- P. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- Q. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- U. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Engineering also need to indicate if this Addition is required to plat minimum building pad-elevations.

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 4**

August 10, 1995

STAFF REPORT

(Final Plat, Preliminary Plat Approved 10/13/94)

CASE NUMBER: S/D 94-72 MEADOW OAKS SECOND ADDITION

OWNER/APPLICANT: 3-AH Inc., 455 N. Maize, Wichita, KS 67212

SURVEYOR/ENGINEER: Yung Design Group, 4912 East 29th Street North, Wichita, KS 67220  
and  
Poe and Associates of Kansas, Inc., 434 N. Oliver, Wichita, KS 67208

LOCATION: East of Beacon Hill Road and south of 29th Street North

SITE SIZE: 8.69 Acres

NUMBER OF LOTS

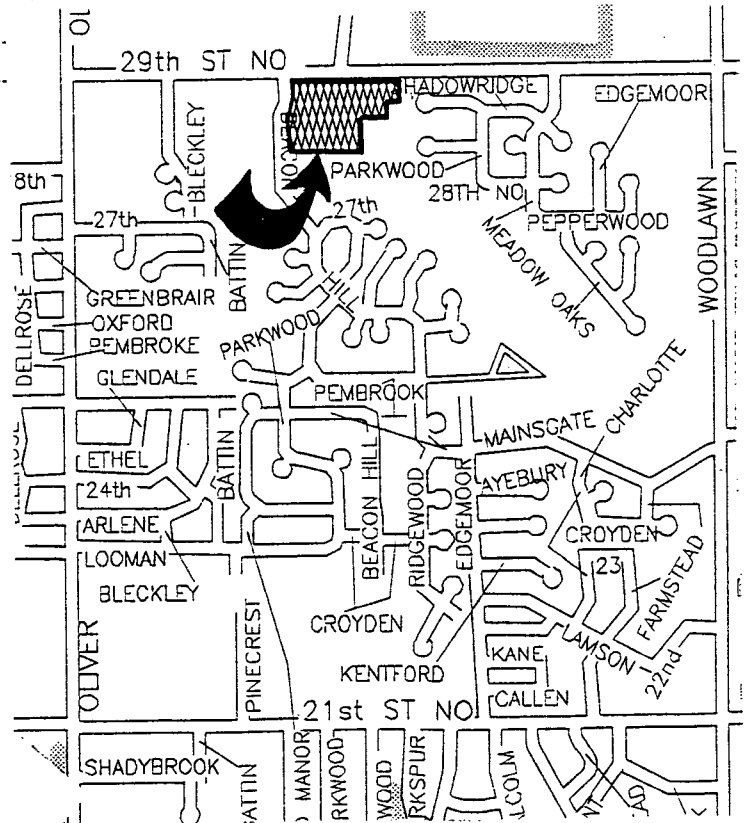
Residential: 26  
Office:  
Commercial:  
Industrial:  
Total: 26

MINIMUM LOT AREA: 7,675 sq. ft.

CURRENT ZONING: "AA" with DP-147

PROPOSED ZONING:

VICINITY MAP:



STAFF COMMENTS:

NOTE: This plat involves a replat of a portion of the previously platted, Meadow Oaks (1st) Addition. The area west of lot 7, block 1 and lot 14, block 2 was originally platted as one large lot, intended as a possible church site. The eastern portion of the site was platted into one-family lots centered around a cal-de-sac in a fashion similar to the lots shown around Parkwood Court. This replat now allows Shadowridge to be developed as a continuous street out to Beacon Hill Road and 29th Street North. The original Meadow Oaks plat had provided only one street in and out of the Addition with an emergency access easement in the area of what is now being platted as lots 9 and 10, block 1. This replat now overcomes the safety concerns that were originally raised by providing two normal street entrances into this Addition and the original Addition.

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City water to serve the lots being platted.
- C. The applicant shall guarantee any drainage improvements including storm sewers, required by the platting of this property.
- D. The applicant shall guarantee the paving of the proposed interior streets.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. Provisions shall be made for ownership and maintenance of the proposed reserve. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserve will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also note that the homeowner is association will be responsible for maintaining the "parking strip" located between the north line of this plat and the paved surface of 29th Street North.
- G. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- H. On the final plat tracing, the plattor's text shall note the platting of the wall easement and that utilities may cross this easement.
- I. The plattor's text shall also note on the final plat tracing that the dedication of access control to 29th Street North from the abutting lots is to the City of Wichita rather than "the appropriate governing body". This site is already within Wichita.
- J. Since this is a replat, proper reference to KSA 12-512(b) as amended, shall be noted in the surveyor's text as to the vacation of easements, setbacks, etc. The plat presently has placed this statement in the plattor's text.

- K. Since minimum building pad-elevations are required for this Addition, such elevations shall also be noted on the face of the plat. These elevations shall be shown in both mean sea level and City Datum.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The final plat tracing shall indicate the utility easements requested by K.G.& E. which were indicated on the "marked" copy of the plat provided after approval of the preliminary plat.
- P. Based on the platting binder, the final plat tracing shall provide for signatures (platting approvals) by both Critchfield Real Estates and the State Bank of Colwich as holders of mortgages on this site.
- Q. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- R. Recording of the plat within 30 days after approval by the City Council.
- S. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.



**POE & ASSOCIATES OF KANSAS, INC.**  
**CONSULTING ENGINEERS**  
5940 E. Central, Suite 200 ■ Wichita, KS 67208-4242  
Phone 316/685-4114 ■ FAX 316/685-4444

December 16, 1996

Mr. John A. Henderson, P.E.  
Kansas Department of Agriculture  
Division of Water Resources  
901 South Kansas Avenue, 2nd floor  
Topeka, Kansas 66612-1283

RE: DIVISION OF WATER RESOURCES APPLICATIONS, MEADOW OAKS 2ND  
ADDITION AND BRADFORD NORTH ADDITION TO WICHITA, KANSAS,  
APPLICATION WSN: LSG-0117, NOTICE NO. 96469 & WSN: LSG-0116, NOTICE NO.  
96468

Dear Mr. Henderson,

We have received your letters in reference to adverse comments regarding the above projects. We would like to update you on our progress with the respective parties.

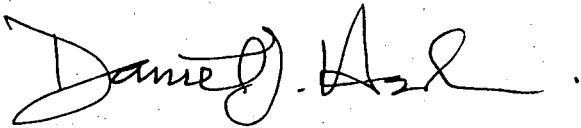
The Meadow Oaks 2nd Addition received a letter from Ms. Lisa Miller who represents a small contingent of homeowners within the first phase of Meadow Oaks Addition. In our conversation with her by phone, it is clear that hers and her parties concerns have been with their Home Builder and not that of the Land Developer Mr. Russell. We have responded to her by letter and ask that her letter to DWR be removed from the Meadow Oaks Application file. Other letters received in reference to this project from the Kansas Biological Survey and the Department of Wildlife and Parks appear to be standard form letters. We have appropriately responded by letter to each agency and hope they're concerns have been mitigated.

The Bradford North Addition also received letters from the Kansas Biological Survey and the Department of Wildlife and Parks and we have responded to each of them by letter. We previously received a letter from Mr. Pracht. We spoke with him and have cleared up his concerns and have sent you copies of our correspondence with him. In reference to Mr. Rinks letter, we have responded to him and believe we have answered his questions.

We have enclosed a copy of each response for your file. We believe we have mitigated the immediate concerns of all the parties and would hope that both projects could be moved forward to approval.

If you should have any questions or comments, please contact us.

Yours Truly,  
POE & ASSOCIATES OF KANSAS, INC.

A handwritten signature in black ink, appearing to read "Daniel J. Haskins". The signature is fluid and cursive, with a large initial "D" and "H".

Daniel J. Haskins

cc: Mr. Jay Russell  
Ms. Vicki Huang, City of Wichita



POE & ASSOCIATES OF KANSAS, INC.  
CONSULTING ENGINEERS  
5940 E. Central, Suite 200 ■ Wichita, KS 67208-4242  
Phone 316/685-4114 ■ FAX 316/685-4444

December 16, 1996

Mr. Larry Zuckerman,  
Aquatic Ecologist, E.S.S.  
Department of Wildlife & Parks  
Operations Office  
512 SE 25th Avenue  
Pratt, Kansas, 66047-2906

RE: DEPARTMENT OF WATER RESOURCES, MEADOW OAKS 2ND ADDITION  
APPLICATION WSN: LSG-0117, NOTICE NO. 96469

Dear Mr. Zuckerman,

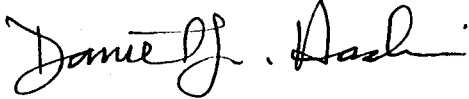
We received a copy of your response letter from the Department of Water Resources in reference to the above project. We would like to update you and offer the following comments.

The Meadow Oaks 2nd project is currently under construction with the sewer and water installed and the streets rough graded. To date, the Federal Emergency Management Agency (FEMA) has conditionally approved the floodplain fill and the release of the lots from the FEMA flood plain map. The City of Wichita Storm Water Management Office has approved the floodplain fill and issued the developer the appropriate grading permits. The current Flood Maps show a small portion of the existing development within the fringe of the flood boundary (Storage area). With the construction of the new 29th Street Bridge which is scheduled to begin early 1997, the flood boundary (storage area) within the Meadow Oaks 2nd project is removed.

There is currently on file with the Kansas Department of Health and Environment, Bureau of Water, a National Pollutant Discharge Elimination System Plan and Permit for this site.

We hope this addresses your immediate concerns regarding this project. If you should have any questions, please contact us.

Yours Truly,  
POE & ASSOCIATES OF KANSAS, INC.

A handwritten signature in black ink, appearing to read "Daniel J. Haskins". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Daniel J. Haskins

cc: Mr. Jay Russell  
District Engineer, Kansas City Corps of Engineers  
Mr. Robert George, Sedgwick County  
Stafford Field Office  
Mr. Chris Mammoliti, KDWP  
Ms. Vicki Huang, City of Wichita

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director  
901 South Kansas Avenue, 2nd Floor  
Topeka, Kansas 66612-1283  
(913) 296-3717 FAX (913) 296-1176

*Vicki,  
for your info.  
Chris B.*

KANSAS DEPARTMENT OF AGRICULTURE

January 22, 1997

MR JAY RUSSELL  
J RUSSELL CONSTRUCTION  
PO BOX 9007  
WICHITA KS 67212

Re: Additional Information Needed  
Floodplain Fill/Residential Construction  
Meadow Oaks 2nd Addition  
Crooked Creek Floodplain  
WSN: LSG-0117, Notice No. 96469

Dear Mr. Russell:

We have completed a review of the application and plans received in this office on November 1, 1996, which requested approval of plans for a floodplain fill project within the floodplain along the right bank of Crooked Creek. This project is located in the NE ¼ of the NE ¼ of the NW ¼ of Section 1, Township 27 South, Range 1 East, City of Wichita, Sedgwick County, Kansas. Justification for the project is dependent upon a conditional letter of map revision (CLOMR) issued to the City of Wichita by the Federal Emergency Management Agency. The CLOMR is dependent upon the construction of a new RCB bridge on 29th Street North by City of Wichita (KDOT Project No. 87 N-0078-01).

Before the Chief Engineer can give favorable consideration to the plans and issue an approval of application to authorize construction in the floodplain, the following items must be addressed:

1. The letter of December 16, 1996, from Daniel J. Haskins, Poe and Associates, to Mr. Larry Zuckerman, Department of Wildlife and Parks, indicates that construction on this project is currently underway with the sewer and water installed and the streets rough graded. Construction within the present floodplain should cease immediately and not resume until the required permits and approvals are received from this agency. This information was noted in the letter of November 6, 1996, sent when the Water Projects Environmental Coordination Act review was initiated. A copy of the November 6, 1996, letter is enclosed for your information.
2. The CLOMR issued by FEMA on October 26, 1995, does not specify the new floodplain limits which can be expected after the new RCB bridge has been constructed. We have a concern that a portion of the Meadow Oaks Second Addition project will still be within the boundaries of the 100-year floodplain

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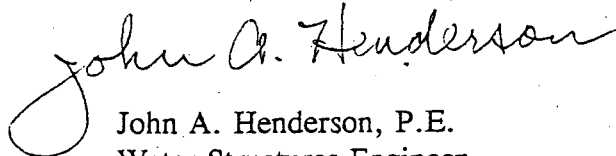
Mr. J. Russell  
WSN: LSG-0117, Notice No. 96469  
page 2

following RCB construction. A detailed hydraulic analysis is required to delineate the new floodplain boundaries in this area. No construction should take place within the current floodplain boundaries until this issue has been satisfactorily addressed.

3. K.A.R. 5-45-2 (c) requires a profile showing the proposed elevation of the top and base of the levee or floodplain fill, the design flood, the base flood, the streambed and both banks. No profile of the floodplain fill has been provided.
4. K.A.R. 5-45-2 (d) requires an elevation view at the most hydraulically restrictive location ... showing the levee or floodplain fill on a cross-section of the stream and the valley up to the post project base flood elevation at the site. This elevation view has not been provided.
5. The construction of the RCB bridge project by the City of Wichita will not begin until May or later and the floodplain benefits will not accrue until construction is complete. The plan view shows Beacon Hill Road will be constructed along the west edge of Meadow Oaks 2nd Addn. What size bridge is envisioned for crossing Crooked Creek at Beacon Hill Road? What will the hydraulic effect be and how will it impact the floodplain?

These issues must be addressed (including the submittal of at least one set of revised plans reflecting any required changes) on or before February 23, 1997, or any authorized extension of time. Failure to submit the revised plans within the authorized time may result in the dismissal of the application for approval of plans.

Very truly yours,



John A. Henderson, P.E.  
Water Structures Engineer

JAH:fb

Enclosure

pc: Stafford Field Office  
District Engineer, Kansas City  
Corps of Engineers  
Mr. Daniel J. Haskins  
Poe & Associates of Kansas, Inc.  
Floodplain Administrator  
City of Wichita  
Mr. Al Schulz, P.E., FEMA

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director  
901 South Kansas Avenue, 2nd Floor  
Topeka, Kansas 66612-1283  
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

November 6, 1996

MR JAY RUSSELL  
PO BOX 9007  
WICHITA KS 67212

Re: WSN: LSG-0117

Dear Mr. Russell:

This will acknowledge receipt of your application for a permit to construct or approval of plans. The Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, requires this agency to provide seven other agencies in the state government an opportunity to review and comment on your application for a period of not less than 30 days. The environmental coordination process has been initiated, but a thorough review of your project may not yet have been performed. You will be informed of any changes that may be necessary to comply with our rules and regulations and any concerns or comments we receive from the environmental coordination agencies.

This letter does not provide any permission to begin the construction of your project. Construction can begin only after written approval has been obtained from the Chief Engineer of this agency. If you have any questions or comments please contact this office by writing or calling (913) 296-2933.

Very truly yours,

*for* John A. Henderson  
Water Structures Engineer

JAH:DFK:dv  
Notice No. 96469

pc: District Engineer, Kansas City  
Corps of Engineers  
Kansas Water Office  
Stafford Field Office  
Mike Lindebak, City of Wichita

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director  
901 South Kansas Avenue, 2nd Floor  
Topeka, Kansas 66612-1283  
(913) 296-3717 FAX (913) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

May 27, 1997

MR JAY RUSSELL  
PO BOX 9007  
WICHITA KS 67212

RE: Floodplain Fill  
Meadow Oaks 2nd Addition  
Crooked Creek  
Sedgwick County  
WSN: LSG-0117, Notice No. 96469

Dear Mr. Russell:

Consideration has been given to your application for the approval of plans relating to the placement of fill material in the right bank floodplain along Crooked Creek to provide building pads for residential construction of Meadow Oaks 2nd Addition at a location in the N ½ of the NE ¼ of the NW ¼ of Section 1, Township 27 South, Range 1 East, City of Wichita, Sedgwick County, Kansas.

In accordance with the provisions of K.S.A. 24-126, the Chief Engineer has approved the plans submitted on November 1, 1996, and February 12, 1997, and issued the enclosed approval of application, authorizing construction of the proposed project. Please note the approval conditions on the reverse side of the approval document. Condition No. 9 requires the owner to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Other special conditions have been added to require that the project meet the floodplain management requirements of the community, to prohibit excess material from being deposited in the floodplain in areas not shown on the approved plans, and to require the prior construction of the bridge replacement project on 29th Street North before material is placed in the floodplain.

The one set of plans submitted to this office has been endorsed with the Chief Engineer's approval and will be retained in our files. Should you desire any copies of the plans with the Chief Engineer's approval shown thereon, please submit the required number.

Comments about this proposed project were received from several agencies during the environmental review process. Copies of the letters with recommendations from Kansas Biological Survey, Kansas Corporation Commission, Kansas Department of Wildlife and Parks, Kansas State Historical Society and Sedgwick County Conservation District are enclosed for your information. These recommendations should be considered in the construction of this project.

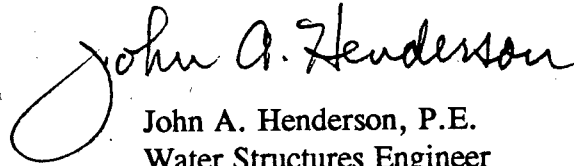
RECEIVED

MAY 29 1997

Jay Russell  
WSN: LSG-0117, Notice No 96469  
page 2

The work has been authorized to be completed on or before July 1, 1999. Approval for construction of this project will expire on that date unless the time is subsequently specifically extended by the Chief Engineer. Any desired extension of time should be requested in writing approximately 30 days prior to the expiration date.

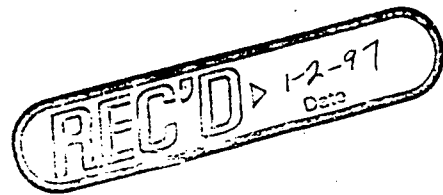
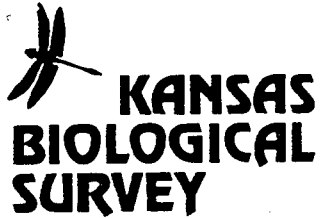
Very truly yours,



John A. Henderson, P.E.  
Water Structures Engineer  
Levee/Floodplain Team Leader

Enclosure

pc: Kansas State Historical Society  
Kansas Corporation Commission  
State Conservation Commission  
Cooperative Extension Service-Forestry  
Kansas Biological Survey  
Kansas Dept. of Health and Environment  
Kansas Dept. of Wildlife and Parks  
Kansas Water Office  
District Engineer, Kansas City  
Corps of Engineers  
Stafford Field Office  
Floodplain Administrator, City of Wichita  
Mr. Daniel J. Haskins, Poe & Associates  
Mr. Chris Breitenstein, City of Wichita



December 27, 1996

Daniel J. Haskins  
Poe & Associates of Kansas, Inc.  
5940 E. Central, Suite 200  
Wichita, KS 67208-4242

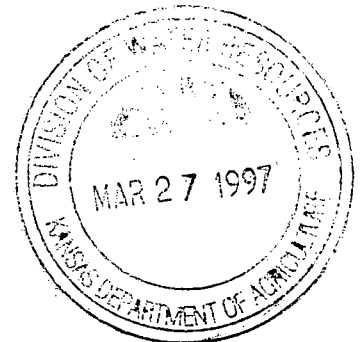
Dear Mr. Haskins,

Thank you for the additional information concerning the Meadow Oaks 2nd Addition (DWR Notice No. 96469) and Bradford North Addition (DWR Notice No. 96468). The information provided satisfactorily addresses our previous concerns. We no longer have any objections to either project.


Sincerely,

A handwritten signature in cursive script that reads "Paul M. Liechi".

Paul M. Liechi  
Assistant Director  
Environmental Coordination Contact



CC: Ed Byrd & John Henderson - DWR

 **KANSAS  
BIOLOGICAL  
SURVEY**

Division of Water Resources  
901 S. Kansas Avenue, Second Floor  
Topeka, KS 66612-1283

Attention: John Henderson

Subject: Notice No. 96469 (Sedgwick Co.)

Date: March 17, 1997

In regard to the request by Mr. Jay Russell for a permit to place fill in the floodplain of Crooked Creek, the following comments are offered for your consideration. I had the opportunity to visit site on November 13, 1996.

Floodplains are so named because of periodic inundation, and, as you are well aware, provide storage capacity for water. In this context, project will reduce existing Crooked Creek storage capacity during peak runoff events and water will move downstream more rapidly and/or increase upstream floodwater elevations. We saw no provisions in the partial design plans we received that accounts for the effects of changing storage capacity.

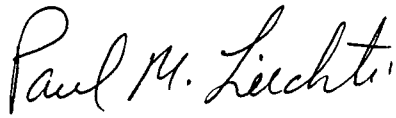
Chisholm Creek Park is located on East Fork Chisholm Creek near the confluence with Crooked Creek and only a short distance downstream of the proposed floodplain fill project. A small impoundment is situated on Crooked Creek between project area and the Park, just above the confluence of the two streams. Judging from the lack of a control structure and no freeboard on the dam, the impoundment appears to have been constructed more for aesthetic purposes rather than for flood water retention; therefore, it is unlikely the impoundment will compensate for the loss of floodplain storage that will occur. Also, the dam did not appear to be in good repair and may warrant closer inspection to determine if dam's structural integrity is adequate to handle increased discharges. Accelerated downstream discharge due to reduced storage capacity in Crooked Creek could have negative effects on East Fork Chisholm Creek and the Park's natural resource value due to accelerated bank erosion and the Park could suffer negative effects in the event of a dam failure.

Although we have no strong objections to the project, we feel the risk associated with reducing flood storage capacity without any compensatory provisions should be thoughtfully considered and recommend that a nonpoint source pollution management plan be developed for the residential development to protect the water quality of Crooked Creek.



Thank you for the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Paul M. Liechti".

Paul M. Liechti  
Assistant Director  
Environmental Coordination Contact

CC: Environmental Services Section, KDWP Pratt



5112111 JAH  
LS4-0117

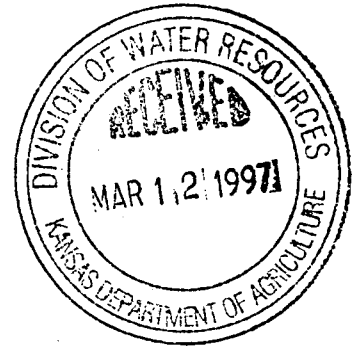
Kansas Corporation Commission

Bill Graves, Governor Timothy E. McKee, Chair Susan M. Seltsam, Commissioner John Wine, Commissioner  
Judith McConnell, Executive Director David J. Heinemann, General Counsel

March 11, 1997

Edward E. Byrd, P.E.  
Division of Water Resources  
109 SW 9th Street  
Topeka, Kansas 66612

RE: DWR Application 96469  
NENENW Section 1, Township 27  
South, Range 1 East, in the City of  
Wichita, Sedgwick County



Dear Mr. Byrd:

We have reviewed the above captioned application by Jay Russell that proposes a floodplain fill for residential construction in and along the right (east) side of Crooked Creek. We find no indication the proposals will be affected by any regulations or activity administered by the Kansas Corporation Commission.

In the event unexpected circumstances are encountered during construction, such as the discovery of abandoned oil, gas or exploratory holes, the applicant should contact, Doug Louis, KCC District #2 Supervisor in Wichita (316) 337-6241, so appropriate regulatory response can be made.

Sincerely,

*Beverly C. Steinmeyer*  
Conservation Division

Attachment

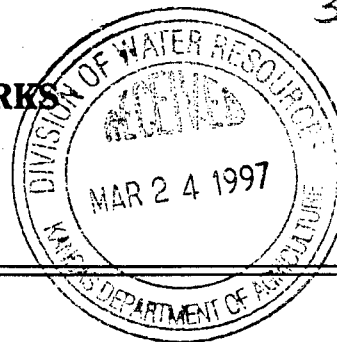
cc: Doug Louis



STATE OF KANSAS

DEPARTMENT OF WILDLIFE & PARKS

Operations Office  
512 SE 25th Avenue  
Pratt, KS 67124-8174  
316/672-5911 FAX 316/672-6020



March 20, 1997

Mr. Edward E. Byrd, P.E.  
KDA Division of Water Resources  
901 S. Kansas Ave., 2nd Floor  
Topeka, KS 66612-1283

REF: D1.1104 SEDGWICK  
ECA Notice No. 96469

Tracking No. 960636

Dear Mr. Byrd:

We have further reviewed ECA Notice No. 96469 in our written response dated December 20, 1996 pertaining to the proposed floodplain fill by Mr. Jay Russell of Wichita, KS of Crooked Creek, upstream of its confluence with Chisholm Creek at his Meadow Oaks subdivision for the construction of a new residential community (NW/4 of Sec. 1, T27S, R1E; Sedgwick County). The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered wildlife species, and public recreation areas for which this agency has some administrative authority. The project was inspected on-site and recently the sponsor met with our District Wildlife Biologist, Charlie Cope, to further discuss his proposal. Our comments of December 20, 1996 still stand.

We now consider this project to be an Impact Level 2, meaning significant negative impacts to terrestrial and aquatic wildlife or their habitats will occur if special project conditions are not implemented. We now have no objections to this project if the following conditions are in place:

- ▶ Use "Best Management Practices" -- hay bales, mulch, silt barriers; store fuels, lubricants, and other potential toxicants safely away from stream and drainages; stabilize heavy equipment staging areas; minimize heavy equipment operation in stream and adjacent waters; minimize riparian tree, hydrophytic plant, and shrub disturbance -- to prevent soil erosion and other sources of construction-related nonpoint source pollution from further degrading the Crooked Creek - Chisholm Creek watershed.
- ▶ Reseed disturbed areas with grass, forbes, shrubs, and/or trees with a minimum of 50 ft native vegetation buffer strip along each side of the stream. For the buffer strip, use an USDA Natural Resource Conservation Service-approved native-nonnative mixture. KDWP technical assistance is available upon written request.
- ▶ Do not use existing Crucial Wildlife Habitat -- streams, wetlands, riparian forests -- as waste fill or borrow areas.
- ▶ Minimize downstream hydrologic impacts to Chisholm Creek and its riparian ecosystem due to conversions of land use from agriculture and fallow fields to residential communities with associated changes in stormwater runoff and soil permeability. Possible solutions include stormwater retention wetlands or ponds, managed to provide maximum runoff retention while providing partial replacement of lost wildlife habitat; development of a riparian timber corridor using native, hydrophytic plantings such as willows and cottonwoods.

The above condition recommendations are based upon the following:

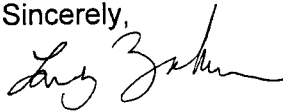
- ▶ We withdraw our concerns over the functioning of the Land and Water Conservation Fund Park -- Chisholm Creek Park -- because Crooked Creek now enters downstream of the park after using the artificial channel along 29th Street.
- ▶ Although threatened and endangered wildlife, particularly Eastern spotted skunks, use the Chisholm Creek Park-Crooked Creek ecosystem, a Project Action Permit will not be required since the existing degraded conditions associated with past land use practices and because there is not any Designated Critical Habitat.
- ▶ Urbanization including the conversion of range and cropland into cement and asphalt results in increased contaminated stormwater runoff for longer durations due to changes in soil permeability and runoff coefficients. There is also a loss of

biofiltering capacity of native and agricultural vegetation. Compensation for changes in the watershed hydrology is possible using stormwater storage and riparian buffer enhancements.

A copy of this letter was forwarded to the project sponsor. Except for the above mentioned conditions, no other Department of Wildlife and Parks Permits or special authorizations are needed. Because the Department's recreational land obligations, state threatened and endangered species list and critical habitat designations periodically change; if construction has not started within one year of the date of this review, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this review assessment. For our purposes, we consider construction started when advertisements for bids are distributed.

Thank you for providing us this additional opportunity to review this project.

Sincerely,



Larry Zuckerman, Aquatic Ecologist  
Environmental Services Section

LDZ

XC:

Sorensen, KDWP REG4 F&W Superv., Wichita  
Liechti, KBS, Lawrence  
Kivett, KDWP L&WCF, Off. of Sec., Topeka  
Streeter, SCC, Topeka  
Jay Russell PO Box 9007 Wichita, KS 67212  
Mueidener, KDHE, Topeka

31 017  
CM 156-0117

**Sedgwick County Conservation District**

9505 West Central, Suite 103 - Wichita, Kansas 67212 - (316) 729-0331 - FAX (316) 729-8938

March 13, 1997

Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
901 South Kansas Ave., 2nd Floor  
Topeka, Kansas 666121-1283

Attn: John Henderson

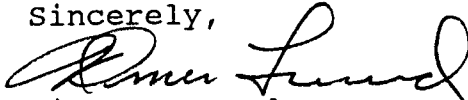
Re: Notice 96469

We have reviewed the above referenced notice relative to development and up-to-three feet of fill in the floodplain near Crooked Creek in Meadow Oaks 2nd Addition in Wichita. We have been furnished very limited information with this application.

The District generally is opposed to fill in a floodplain unless it can be shown by an engineering analysis that there will be no adverse effect to adjacent property owners either upstream or downstream. We prefer to limit the fill to one foot when it is spread over a large area. We are concerned about fill in any floodplain to the extent that it could raise the water surface profile and increase the velocity, causing erosion and subsequent sedimentation downstream.

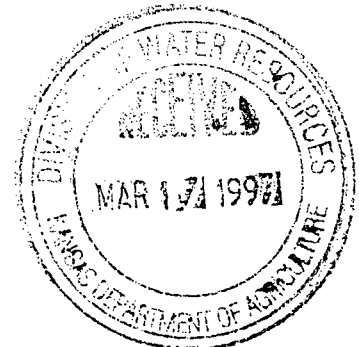
We would have no objection if it can be shown that there will be no detrimental effect on adjacent property. We will defer to DWR review and judgement on this matter.

Sincerely,



Wilmer Freund  
Chairman

cc: Tracy Streeter, SCC





**CULTURAL RESOURCES DIVISION**  
**Archeology Office**  
**913-272-8681 ext. 230**

**KANSAS**  
**STATE**  
**HISTORICAL**  
**SOCIETY**

**M E M O R A N D U M**

**To:** Applicant(s)  
**From:** Kansas State Historical Society  
**Re:** Division of Water Resources Permits/Approvals

Your application for a permit from the Kansas Department of Agriculture, Division of Water Resources, has been reviewed by staff of the Kansas State Historical Society to determine if your project will affect any recorded historic or prehistoric archeological site. No known sites are located within the project area, but digging, grading, or other types of earth disturbing activities can reveal the presence of buried sites that were previously unknown. If your project includes earth moving, your construction contractor should be aware of this possibility. Sites discovered during construction should not be further disturbed. The Division of Water Resources (913-296-2933) and the Kansas State Historical Society should be notified of the discovery as soon as possible.

Human burials may sometimes be uncovered. The Kansas Unmarked Burial Sites Preservation Act requires the finder to report these discoveries to the appropriate law enforcement officials. The law enforcement officials in turn notify the county coroner who determines if the burial is archeological or a forensic case. The State Archeologist (913-296-4779) is to be notified of human burials that are not investigated by law enforcement officials. Human burials, and artifacts associated with them, should not be further disturbed after their discovery. The law provides substantial penalties for intentionally disturbing human burials and grave goods, whether located on public or private property. If you find a bone, get expert help to identify it. The county coroner, a medical doctor, or state archeologist can help.

**WHAT TO LOOK FOR**

Archeological sites from the historic and prehistoric periods may be buried. Prehistoric sites can be recognized by the presence of discolored earth, bones, stone tools (for example, arrowheads, knives, scrapers), stone flakes, burned stones, and pieces of pottery. Stone flakes are the most commonly found artifact.

Historic period sites can be recognized by the presence of stones, bricks, or concrete foundation walls, or concentrations of these materials. Many of the items used in historic times are essentially unchanged in form from those used today. Bottles, cups, "tin" cans, buckets, hand tools, and other items can be easily recognized.

◆  
 6425 S.W. 6th Avenue  
 Topeka, Kansas  
 66615-1099  
 PHONE# (913) 272-8681  
 FAX# (913) 272-8682  
 TTY# (913) 272-8683  
 ◆

**KANSAS HISTORY CENTER**

Administration  
 Center for Historical Research  
 Cultural Resources  
 Education / Outreach  
 Historic Sites  
 Kansas Museum of History  
 Library & Archives

**HISTORIC SITES**

Adair Cabin  
 Constitution Hall  
 Cottonwood Ranch  
 First Territorial Capitol  
 Fort Hays  
 Goodnow House  
 Grinter Place  
 Hollenberg Station  
 Kaw Mission  
 Marais des Cygnes Massacre  
 Mine Creek Battlefield  
 Native American Heritage Museum  
 Pawnee Indian Village  
 Pawnee Rock  
 Shawnee Mission

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

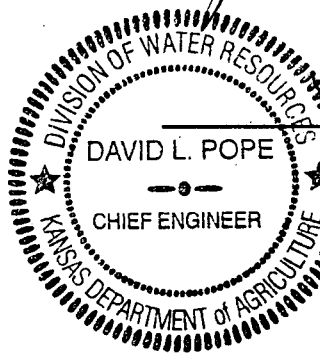
**APPROVAL OF APPLICATION NO. LSG-0117**

**K.S.A. 24-126**

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, by virtue of the powers and duties imposed by K.S.A. 24-126, hereby issues this approval to Mr. Jay Russell, P.O. Box 9007, Wichita, Kansas 67212, giving his consent to the placement of fill material in the right bank floodplain along Crooked Creek to provide building pads for residential construction of Meadow Oaks 2nd Addition at a location in the N 1/2 of the NE 1/4 of the NW 1/4 of Section 1, Township 27 South, Range 1 East, City of Wichita, Sedgwick County, Kansas.

All work authorized by this approval shall be performed in accordance with the maps, plans, profiles and specifications filed with the application, and approved by the Chief Engineer and in accordance with plans for any changes or modifications subsequently approved by the Chief Engineer subject to the provisions of the aforementioned statute, its regulations and the attached approval conditions.

Witness my hand this 27th day of May, 1997.


  
Wayland J. Anderson  
 Wayland J. Anderson P.E., for  
 David L. Pope, P.E.  
 Chief Engineer  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas )  
 )SS  
County of Shawnee )

The foregoing instrument was acknowledged before me this 27th day of May, 1997, by Wayland J. Anderson as authorized agent of David L. Pope, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

**FRANCES A. BISHOP**  
Notary Public - State of Kansas  
My Appt. Expires 9-30-2000

Frances A Bishop  
Notary Public

**RECORD THIS INSTRUMENT IN THE OFFICE OF THE REGISTER OF DEEDS  
OF THE COUNTY WHEREIN THE WORK IS LOCATED**

## APPROVAL CONDITIONS

1. This approval grants no water rights nor other property rights, nor does it authorize any injury to private property, invasion of private rights nor impairment of senior water rights, nor does it exempt the applicant from obtaining consent from appropriate federal, state or local government.
2. The work shall at all times be subject to supervision and inspection by representatives of the Division of Water Resources.
3. No changes in the work, maps, plans, profiles and specifications as approved shall be made except with the written consent of the Chief Engineer.
4. Any work authorized by this approval will be maintained in a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
5. The clearing of trees, brush, drift and other debris, in order to maintain the work substantially in accordance with the approved plans is hereby authorized, except that the removal of plantings made specifically for habitat or environmental mitigation is not authorized by this approval.
6. Any excess material deposited in the stream channel incident to the construction and maintenance of the project authorized by this approval shall be removed and the channel restored to a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
7. All areas disturbed by construction or other exposed soil areas shall be seeded and maintained with a mixture of grass or other vegetation appropriate to the soils, climate and project in order to minimize erosion and protect the project integrity.
8. If the work is not completed on or before the 1st day of July, 1999, this approval, if not specifically extended, shall cease and be null and void. If, upon the expiration or revocation of the approval, the work has not been completed, the applicant shall, at his own expense and to such extent and in such time and manner as the Chief Engineer may require, remove all or any portion of the uncompleted work and restore the watercourse to a satisfactory condition. No claim shall be made against the State of Kansas on account of any such removal or alteration.
9. Within thirty (30) days after the completion of the work authorized in this approval, the applicant shall file with the Division a statement that the work has been performed in accordance with this approval and the approved maps, plans, profiles and specifications.
10. The Chief Engineer reserves the right to require such changes in the maps, plans, profiles and specifications as may be considered necessary. The Chief Engineer further reserves the right to modify, suspend or revoke this approval at any time, should the applicant fail to comply with any of the conditions of this approval or regulations of the Division without sufficient cause or should such action be deemed necessary in the interest of public safety and welfare.
11. The project must meet the floodplain management requirements of the community.
12. Any excess material deposited in the floodplain in areas not shown on the approved plans is prohibited without prior written approval of the Chief Engineer.
13. The placement of fill material in the delineated floodplain shall not be started until construction is underway on the bridge replacement project on 29th Street North at Crooked Creek.