



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE- KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

REPLY TO
ATTENTION OF:

October 21, 2009

Kansas State Regulatory Office
(NWK-2009-01591)

Terracon
ATTN: Crystal Cox
1815 South Eisenhower
Wichita, Kansas 67209

Dear Ms. Cox:

This letter is in response to your request for a Jurisdictional Determination for the approximate 150-acre Skyways Industrial Park site on Maize and West 31st Street South, located in Section 8, Township 28 South, Range 1 West, in Wichita, Sedgwick County, Kansas. Your request has been assigned Regulatory File No. NWK-2009-01591. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

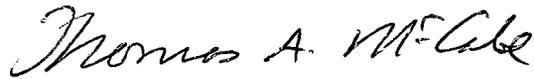
Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that a 100 feet long portion of the unnamed tributary to Cowskin Creek possesses an ordinary high water mark located along the Northern boundary of the property and is a jurisdictional water of the United States. Therefore, the placement of dredged or fill material below the ordinary high water elevation, 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 403) and /or Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The implementing regulations for these Acts are found at 33 CFR 320-332.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. Preliminary Jurisdictional Determinations, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The Preliminary Jurisdictional Determination is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the Preliminary Jurisdictional Determination. This jurisdictional determination is valid until the expiration date of the permit authorization, unless new information warrants a revision.

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 letter, please feel free to contact me at 816-389-3743 or by FAX at 316-322-8259.

Sincerely,



Thomas A. McCabe
Regulatory Project Manager

Enclosure

Copies Furnished (electronically wo/enclosure):

EPA, Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service
Kansas Department of Wildlife and Parks
Kansas Department of Agriculture