



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

October 17, 2006

REPLY TO
ATTENTION OF:

Kansas State Regulatory Office
(200602661)

RECEIVED

OCT 18 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Mr. Shawn Bryan
PEC
303 S Topeka
Wichita, Kansas 67202

Dear Mr. Bryan:

This is in response to Department of Agriculture Notice No. 2006439 concerning a channel change, culvert construction and floodplain fill for the Oak Creek Addition. The project site is located in Section 9, Township 27 south, Range 2 East, Sedgwick County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

Based upon the description of the proposed work within this KDA Notice and that obtained from a recent onsite visit, it appears that 605 linear feet of stream channel would be impacted by the filling and relocation of the channel through a new 5-cell box culvert. A Department of the Army (DA) permit will be required for the proposed work, and therefore; the enclosed DA permit application should be submitted to this office.

Federal regulations require that a DA permit be issued by the Corps of Engineers prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

If you have any questions concerning this matter, please feel free to contact Mr. Thomas A. McCabe at 316-322-8247 (FAX 316-322-8259). Please reference Permit No. 200602661 in all comments and/or inquiries relating to this project.

Enclosure
Copies Furnished:

✓ Mr. John R. Roth, Kansas Division of Water Resources
Mr. George Sherman, Slawson Commercial Properties