

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. GP-31K (NWK-2004-00084)
Issue Date: May 21, 2015
Expiration Date: June 11, 2015**

21-Day Notice

**STATE OF KANSAS
PROPOSED REISSUANCE OF GENERAL PERMIT GP-31K
KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT
ABANDONED MINED LANDS RECLAMATION PROJECTS**

In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the Kansas City District, U.S. Army, Corps of Engineers proposes to reissue a regional general permit (RGP) which would authorize the excavation from and/or discharge of dredged or fill material in waters of the United States within the state of Kansas in association with Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section abandoned mined lands reclamation projects. This RGP would be issued under the authority of Section 404 of the Clean Water Act (33 USC 1344).

This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Kansas Department of Health and Environment, Bureau of Water - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

In the preceding 5-year period of GP-31K, there were a total of 12 authorizations issued under the provisions of this RGP. Under the referenced 12 authorizations, a total of 41.02 acres of wetlands were impacted and 975 linear feet of streams; with 45.84 acres of wetland and 975 linear feet of stream mitigation created.

Criteria for Authorization. Applications for authorization under RGP NWK-GP-31K would be reviewed on a case-by-case basis to ensure that each activity authorized by the RGP meets its cited criteria (See proposed RGP appended below).

State Guideline Conformity. The Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section (KDHE-SMS) administers an abandoned mined land reclamation program within the State of Kansas. This program involves the reclamation of abandoned coal mine areas to eliminate public safety hazards and remediate water quality problems associated with mined area run-off. Often these activities involve work in waters of the United States which require authorization by the Corps of Engineers under

Section 404 of the Clean Water Act (33 USC 1344). The work generally involves placement of fill material in the waters of the U.S., including wetlands, which have developed in the flooded mine pits, and the reconstruction of drainages across the previously mined areas. KDHE-SMS currently has a set of environmental reviews in place for these abandoned mined land reclamation projects. Reviewing agencies include the U.S. Fish & Wildlife Service, Kansas Department of Agriculture-Division of Water Resources (DWR), Kansas Geological Survey, and Kansas State Historical Society. In addition, KDHE-SMS has internal reviews of these projects to insure compliance with state water quality standards. If the project involves work in a waterway with a drainage area greater than 640 acres, KDHE-SMS must secure a permit from DWR. If a project could potentially impact a State threatened or endangered species, KDHE-SMS is required to secure a threatened or endangered permit from the Kansas Department of Wildlife, Parks, & Tourism.

The U.S. Department of Interior Office of Surface Mining has oversight for these projects and serves as the lead Federal agency for compliance with all Federal laws including, but not limited to the Surface Mining Control and Reclamation Act, Endangered Species Act and the National Environmental Policy Act.

The Corps has conducted a preliminary evaluation of the type of activity described in the attached proposed general permit. The Corps has determined that these activities in general result in minor short-term construction related impacts to the aquatic ecosystem and that overall they result in improved water quality and increased public safety.

Duration of the General Permit. The RGP would expire 5 years from the date of issuance unless it is specifically modified, suspended, or revoked prior to that date. Upon its expiration, the RGP would be considered for renewal. The RGP may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities would have a significant environmental impact or are otherwise not in the public interest. All individual verifications under this RGP would be valid for 2 years. This date would be noted on the RGP if it is issued. Therefore, the maximum reclamation period for any single project would be limited to 2 years. If a project is not completed within the 2-year time frame, it would be subject to re-evaluation under the present terms of the RGP, if applicable.

Procedure for Applying. The KDHE-SMS must notify the Corps of Engineers Kansas City District and obtain prior authorization under this RGP according to the "Notification Requirements" shown on page 8 of the enclosed draft RGP. The notification must include detailed drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP. An ENG Form 4345 should be used for this purpose. Copies of ENG Form 4345, instructions or assistance may be obtained by writing or calling the Kansas City District, Corps of Engineers, or by downloading at: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>

If the Corps determines that the work would meet the provisions of the RGP, and no extraordinary conditions exist that would warrant submitting an application for an individual permit evaluation, the proponent would be notified to proceed. If the Corps determines that the subject work would not meet the provisions of the RGP, or that more than minimal impacts would result, the applicant would be notified that an individual permit will be necessary.

Proposed Evaluation and Conformance Criteria. Individual requests for verification under the RGP would be evaluated based upon the stated activities by the applicant. If the applicant desiring to perform activities in accordance with the criteria of this RGP can comply with the

conditions as shown in the RGP, an on-site investigation of the proposed activity may not be required. All activities authorized by the RGP would require notification to the Kansas City District Engineer.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Lucius Duerksen of the Kansas State Regulatory Office, 2710 NE Shady Creek Access Road, El Dorado, Kansas 67042, telephone: 316-322-8247 or by email at lucius.j.duerksen@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. No activity which may affect Historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. KDHE-SMS must notify the District Engineer if the activity may affect any historic properties listed, determined to be eligible, or which KDHE-SMS has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. With each notification from KDHE-SMS, we will review the site for potential cultural resources and may require that KDHE-SMS provide a reconnaissance survey of the proposed permit area to check for unknown historic properties. When appropriate, we will consult with and evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative). In general, the extensive topographic manipulation which traditionally occurred throughout mined lands has resulted in a low potential for historic or eligible properties to exist within sites proposed to be reclaimed.

ENDANGERED SPECIES: The following Federally listed, threatened or endangered species may be found in Bourbon, Linn, Crawford, Cherokee and Labette counties: American Burying beetle (*Nicrophorus americanus*), Gray bat (*Myotis grisescens*), Mead's milkweed (*Asclepias meadii*), Neosho madtom (*Noturus placidus*), Neosho Mucket (*Lampsilis rafinesqueana*), Northern Long-Eared Bat (*Myotis septentrionalis*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), and Spectaclecase (mussel) (*Cumberlandia monodonta*). The following species are unlikely to use or occupy the project sites as mined lands and reclamation sites are generally not located within the jurisdictional limits of the rivers and streams in which these species are known to occur: Neosho madtom (*Noturus placidus*), Neosho Mucket (*Lampsilis rafinesqueana*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), and Spectaclecase (mussel) (*Cumberlandia monodonta*). No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Further, this RGP does not authorize the "take" of a Federally listed species. Any conditions necessary to avoid and/or minimize effects to species or habitat pursuant to the Endangered Species Act (16 U.S.C.A. § 1536), become by reference, special conditions of this permit. The need for such conditions will be determined on a case-by-case basis, dependent upon project specific impacts. No activity is authorized under this RGP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 3 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

DEPARTMENT OF THE ARMY PERMIT

Permittee: Kansas Department of Health and Environment

Permit No.: GP-31K

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: Proposed Work: Abandoned Mined Land Reclamation Projects. This permit authorizes the discharge of dredged and/or fill material incidental to Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section's abandoned mined land reclamation projects as described in Appendix I. Discharges authorized are limited to those which occur during the actual abandoned mined land reclamation work and those associated with preparation and restoration of the site.

Project Location: Waters of the United States within the counties of Bourbon, Linn, Crawford, Cherokee and Labette in southeast Kansas. These areas are generally defined as altered or degraded waters located on previously mined lands and wetlands which formed under conditions resulting from past mining activities.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 2 years from each permit determination. 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).
 - (X) 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.

General Permit – Signature Not Required

(PERMITTEE)

(DATE)

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

(DISTRICT ENGINEER)
ANDREW D. SEXTON, COLONEL

(DATE)

BY: MARK D. FRAZIER
CHIEF, 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. No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Further, this general permit does not authorize the "take" of a Federally listed species. See Appendix II, paragraph No. 1 for permitting requirements if these species are likely to be present or their habitat would be adversely modified.
- c. If any part of the authorized work is performed by a contractor or other party, before starting work you must discuss the terms and conditions of this permit with the contractor or party; and, you must give a copy of this entire permit to the contractor or other party involved in the reclamation activities. The permittee remains responsible for ensuring compliance with all aspects of this permit.
- d. 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.
- e. 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.
- f. 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.
- g. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels. Fuel, oil, and other wastes and equipment containing such wastes shall not be stored nor released at any location between the high banks or in a manner such that they could enter the stream channel. You must dispose of such materials at authorized locations.
- h. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work.
- i. In order to control erosion, upon completion of earthwork operations, you must immediately re-vegetate all areas disturbed during project construction utilizing a seed mix composed of native species.

Special Conditions (cont'd):

j. No activity which may affect Historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. All prospective permittees must notify the District Engineer if the excavation activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

k. Work under the provisions of this general permit is subject to the Applicant Notification Requirements. See Appendix III for the required information that must accompany the submission of the subject Applicant Notification.

l. You must meet all mitigation conditions for project related site impacts as specified by the Corps. Also, mitigation conditions required for project related site impacts by the Office of Surface Mining, U.S. Department of the Interior, are incorporated into this permit by reference.

m. 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.

APPENDIX I

CRITERIA FOR AUTHORIZATION BY GENERAL PERMIT NWKGP-31K

1. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any activity authorized herein.
2. This general permit applies to the Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section's Abandoned Mined Lands Reclamation Projects when such activities are performed to provide hazard abatement or improve water quality.
3. Any conditions necessary to avoid and/or minimize effects to species or habitat pursuant to the Endangered Species Act (16 U.S.C.A. § 1536), become by reference, special conditions of this permit. The need for such conditions will be determined on a case-by-case basis, dependant upon project specific impacts. For activities involving formal consultation pursuant to Section 7 of the Endangered Species Act, the U.S. Department of Interior, Office of Surface Mining will serve as the lead Federal agency.
4. The cumulative impacts of this general permit may be reevaluated at the discretion of the Corps of Engineers at any time, but will be reevaluated at least every five (5) years.

APPENDIX II

CORPS REVIEW PROCEDURES FOR AUTHORIZATION **BY GENERAL PERMIT NWK-GP-31K** **(for Corps use only)**

ENDANGERED SPECIES CONSULTATION. Each proposed activity, if within the range of a Federally listed threatened or endangered species, must be coordinated with the U.S. Fish and Wildlife Service (USFWS) to allow for timely, site specific evaluation and concurrence that the activity, as conditioned under the general permit, is not likely to adversely affect listed species or their habitat.

- a. Additional project specific conditions must be imposed if, through timely informal consultation between the USFWS and the Office of Surface Mining (the lead Federal agency for these activities), they are determined to be necessary to avoid the likelihood of adverse effects to listed species or their habitat.

- b. In the event that the likelihood of adverse effects to listed species or designated critical habitat cannot be avoided, authorization will not be provided under the general permit until such time as: i) formal consultation between the USFWS and the Office of Surface Mining is initiated; ii) a non-jeopardy Biological Opinion is issued; and iii) the terms and conditions of any associated Incidental Take Statement are incorporated by reference in the general permit.

APPENDIX III

APPLICANT NOTIFICATION REQUIREMENTS

1. If you wish to perform work under the authority of this General Permit, you must provide notification to the Corps of Engineers before you initiate any reclamation activity. You must submit the following information in this notification:

- a. A completed application form ENG 4345, or equivalent information.
- b. A clearly marked site location map.
- c. Drawings showing the details of the proposed work.
- d. An operation plan which describes how you will conduct the work, details how impacts to Waters of the United States, including wetlands, will be avoided and/or minimized, and measures to restore the site following completion of the activity.
- e. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must also include a delineation of affected special aquatic sites, including wetlands.

2. The District Engineer will ensure no more than minimal adverse effects to the aquatic environment occur. As such, the District Engineer will determine on a case-by-case basis the requirement for adequate mitigation to ensure the effects to aquatic systems are minimal. In cases where the Office of Surface Mining or the State has required mitigation for the loss of aquatic habitat, the Corps may consider this in determining appropriate mitigation under Section 404 of the Clean Water Act.

3. You must receive written confirmation of authorization under this general permit from the Corps of Engineers before you start any reclamation or related activity affecting Waters of the United States.

Additional Information for Applicants

The U.S. Fish and Wildlife Service (USFWS) requested that the Corps of Engineers inform applicants of their responsibilities under the Migratory Bird Treaty Act (MBTA). USFWS states: "The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Takings could result from projects in prairies, wetlands, stream and woodland habitats, and those that occur on bridges and other structures if swallow or phoebe nests are present. While the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Kansas occurs during the period of April 1 to July 15. However, some migratory birds are known to nest earlier than this (e.g., hawks and owls) and some later (e.g., goldfinches). If the proposed project appears likely to result in the take of migratory birds, a field survey should be conducted during the nesting season of the affected habitats and structures to determine the presence of active nests. The USFWS should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that you believe cannot be avoided temporally or spatially by the planned activities."

APPENDIX III (cont'd)

The USFWS also expressed concerns with the inadvertent spread of exotic and invasive species; they recommended that all equipment brought on site will be thoroughly washed to remove dirt, seeds, and plant parts. Any equipment that has been in any body of water within the past 30 days will be thoroughly cleaned with hot water greater than 140° F (typically the temperature found at commercial car washes) and dried for a minimum of five days before being used at this project site. In addition, before transporting equipment from the project site all visible mud, plants and fish/animals will be removed, all water will be eliminated, and the equipment will be thoroughly cleaned. Anything that came in contact with water will be cleaned and dried following the above procedure.

COMPLIANCE CERTIFICATION

Special condition "a" of this permit document requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at this bottom of this page upon completion of the project.

APPLICATION NUMBER: GP-31K

APPLICANT: Kansas Department of Health and Environment,
Bureau of Environmental Remediation, Surface Mining Section
4033 Parkview Drive
Frontenac, Kansas 66763-4033

PROJECT LOCATION:

- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

Return this certification to:

Kansas State Regulatory Office, USACE
2710 Shady Creek Access Road
El Dorado, Kansas 67042-8644