

KANSAS

DEPARTMENT OF WILDLIFE AND PARKS

KATHLEEN SEBELIUS, GOVERNOR

August 14, 2007

Mr. Joshua Marx
United States Corps of Engineers
Kansas City Field Office
700 Federal Building
601 East 12th Street
Kansas City MO 64106-2896

Ref: D2.0401
Johnson
2006-1014
Track: 20060601

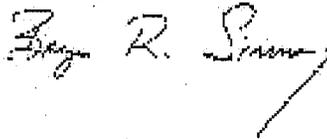
Dear Mr. Marx:

We have reviewed Public Notice Permit Number 2006-1014 for the Gardner Intermodal Facility and its impacts toward Big Bull Creek in Sections 5, 6 and 7, Township 15 South, Range 22 East, in Johnson County. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

We have had several meetings and continue to work with the applicant towards minimization of impacts associated with the proposal. Knowing that the submitted plans and mitigation offsets have not been finalized, we are hesitant towards project endorsement at this time. Furthermore, a site visit has yet to be made to ensure the existing stream condition and function was properly assessed toward final mitigation units. Once this visit has been made we will submit those comments, toward permit determination. Otherwise, we continue to be a cooperating party in the finalization of overall project plans.

Thank you for the opportunity to provide these comments and recommendations.

Sincerely,



Bryan R. Simmons, Ecologist
Environmental Services Section

Xc: HDR – Tim Fobes
Adaptive Ecosystems – Steve Parker
USFWS – Susan Blackford
EPA – Kathy Mulder