



JESSICA E. MERRIGAN
(816) 460-5706
EMAIL: JMERRIGAN@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

2345 GRAND BOULEVARD
SUITE 2800
KANSAS CITY, MISSOURI 64108-2684
(816) 292-2000, FAX (816) 292-2001

April 13, 2007

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Howard Bunch
Office of Regional Counsel
U.S. EPA Region VII
901 North 5th Street
Kansas City, KS 66101

Mr. Mark Frazier
Regulatory Branch
U.S. Army Engineer District, Kansas City
601 East 12th Street, Room 706
Kansas City, MO 64106-2896

07 APR 16 AM 10:34
ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

Re: Payment in lieu of Mitigation
Stone Creek Development, LLC, Tonganoxie, Kansas
EPA Docket No. CWA-07-2006-0168
USACE Permit No. 200501585

Dear Mr. Bunch and Mr. Frazier:

Please find enclosed copies of the checks and letters of transmission for the payments in lieu of mitigation sent to the Sunflower Land Trust, on behalf of Stone Creek Development, LLC ("Stone Creek").

The first payment, in the amount of \$10,011.55, was made in satisfaction of the Order on Consent between Stone Creek and EPA along with EPA's demand letter of April 3, 2007 (both enclosed). In satisfaction of that Order and Letter, Stone Creek has submitted the mitigation payment as directed, and is hereby providing documentation as directed.

As stated the Order and Letter, this payment also satisfies all requirements for mitigation for any "after-the-fact" permit issued by the Corps of Engineers, which was

Change Your Expectations.

KANSAS CITY • OVERLAND PARK • ST. LOUIS • JEFFERSON CITY • SPRINGFIELD • BOULDER • WASHINGTON D.C. • NEW YORK • DENVER

Mr. Howard Bunch
Mr. Mark Frazier
April 13, 2007
Page 2

issued as the after-the-fact portion of Permit No. 200501585. Specifically, this payment satisfies the requirement of Special Condition (b.) for mitigation payment related to already completed activities.

Stone Creek has paid the additional mitigation amount of \$3,676.00, for mitigation for future development by separate check. A copy of that check and letter of transmission are also enclosed for your reference. This payment satisfies the requirement of Special Condition (b.) for mitigation payment for future work under USACE Permit No. 200501585.

By submission of these payments and this documentation Stone Creek has completed all mitigation obligations required by USACE Permit 200501585, and all mitigation obligations of the Consent Order with EPA, Docket No. CWA-07-2006-0168. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

LATHROP & GAGE L.C.

By:



Jessica E. Merrigan

Enclosures

cc: Regional Hearing Clerk, U.S. EPA Region VII
Mr. Larry Long, U.S. EPA Water Enforcement
Stone Creek Development, LLC



JESSICA E. MERRIGAN
(816) 460-5706
EMAIL: JMERRIGAN@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

2345 GRAND BOULEVARD
SUITE 2800
KANSAS CITY, MISSOURI 64108-2684
(816) 292-2000, FAX (816) 292-2001

April 13, 2007

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Sunflower Land Trust
Mr. Jim Michael
4835 N. Hillcrest Street
Bel Aire, KS 67220

Re: Payment in lieu of Mitigation
Stone Creek Development, LLC, Tonganoxie, KS
USACE Permit No. 200501585
EPA Docket No. CWA-07-2006-0168

Dear Mr. Michael:

Please find enclosed a check in the amount of \$10,011.55 made payable to Sunflower Land Trust. This payment is made in lieu of mitigation for past work performed by Stone Creek Development, LLC, in Tonganoxie, Kansas. This payment is made in satisfaction of EPA Docket No. CWA-07-2006-0168, as per EPA's demand letter of April 3, 2007, and is made in satisfaction of the after-the-fact portion of U.S. Army Corps of Engineers Permit No. 200501585. Per the requirements of that Permit, we would sincerely appreciate if you would provide notice to the Army Corps of Engineers, Kansas City Branch, Regulatory Division of your receipt of this payment.

Please do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,

LATHROP & GAGE L.C.

By:



Jessica E. Merrigan

Change Your ExpectationsSM

KANSAS CITY • OVERLAND PARK • ST. LOUIS • JEFFERSON CITY • SPRINGFIELD • BOULDER • WASHINGTON D.C. • NEW YORK • DENVER

Sunflower Land Trust

April 13, 2007

Page 2

Enclosure

cc: Mr. Mark Frazier, USACE Kansas City, Regulatory Branch
Mr. Howard Bunch, US EPA, Office of Regional Counsel
Mr. Larry Long, USEPA Water Enforcement
Stone Creek Development, LLC