



JESSICA E. MERRIGAN
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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

Re: Payment in lieu of Mitigation
South Park Development, LLC, Tonganoxie, Kansas
EPA Docket No. CWA-07-2006-0166
USACE Permit No. 200501584

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

Dear Mr. Bunch and Mr. Frazier:

Please find enclosed a copy of the check and letter of transmission for the payment in lieu of mitigation sent to the Sunflower Land Trust, on behalf of South Park Development, LLC ("South Park").

This payment, in the amount of \$14,826.50, was made in satisfaction of the Order on Consent between South Park and EPA along with EPA's demand letter of April 6, 2007 (both enclosed). In satisfaction of that Order and Letter, South Park 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 issued as the after-the-fact Permit No. 200501584. Specifically, this payment satisfies

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the requirement of General Condition 19 for compensatory mitigation related to the already completed activities.

South Park's submission of this payment, and submission of this documentation, satisfies all mitigation obligations of Permit No. 200501584, as well as the Consent Order with EPA Docket No. CWA-07-2006-0166. As Permit No. 200501584 is an after-the-fact permit and South Park will perform no future work under the permit, satisfaction of the mitigation obligations fulfills all of South Park's obligations under that permit. 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
South Park Development, LLC

CC 1886085v1



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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
South Park Development, LLC, Tonganoxie, KS
USACE Permit No. 200501584
EPA Docket No. CWA-07-2006-0166

Dear Mr. Michael:

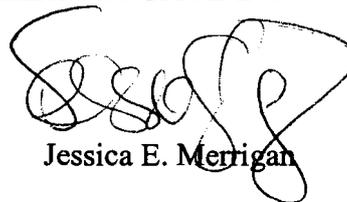
Please find enclosed a check in the amount of \$14,826.50 made payable to Sunflower Land Trust. This payment is made in lieu of mitigation for past work performed by South Park Development, LLC, in Tonganoxie, Kansas. This payment is made in satisfaction of EPA Docket No. CWA-07-2006-0166, as per EPA's demand letter of April 6, 2007, and is made in satisfaction of the U.S. Army Corps of Engineers after-the-fact Permit No. 200501584. 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:



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Sunflower Land Trust
April 13, 2007
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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
South Park Development, LLC

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