

THE STATE OF KANSAS



JUN 26 2024 14:21 KS Dept. of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES Earl D. Lewis Jr., Chief Engineer

File Number 51258

6/27/2024

This item to be completed by the Division of Water Resources.

Water Resources Received 16:50

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): CCT Holdings Address: 210 E. McKay City: Frontenac, KS State KS Zip Code 66763 Telephone Number: (620) 249-0033 kurtterlip@gmail.com

2. The source of water is: [x] surface water in Neosho River (stream) OR [] groundwater in (drainage basin)

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Quantity adjusted before check in. Applicant gave consent in email dated 6/28/24*

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. 138

3. The maximum quantity of water desired is 100 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 8000 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

- 4. The water is intended to be appropriated for (Check use intended): (a) [] Artificial Recharge (b) [] Irrigation (c) [x] Recreational (d) [] Water Power (e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 1 GMD - Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County NO By KJN Date 6/28/24 Code REG Fee \$ 200 TR # Receipt Date 6-26-24 Check # 1760

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5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the lots 5, 6, 7, 8 West Half of Northwest corner quarter of the 1 quarter of the 29 quarter of Section 29, more particularly described as being near a point 600 feet North and 60 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East West (circle one), Neosho County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same Applicant

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5-22, 2024. Kurt Terlip
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of Pump sign and Water Paul Markst
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) Oct 31st 24
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Oct 31st 24
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

In process of determination if required

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph

No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this ____ day of _____, _____
(month) (year)

(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

None

Assisted by _____ (office/title) Date: _____

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FEE SCHEDULE

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- 1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

- 2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

- 3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

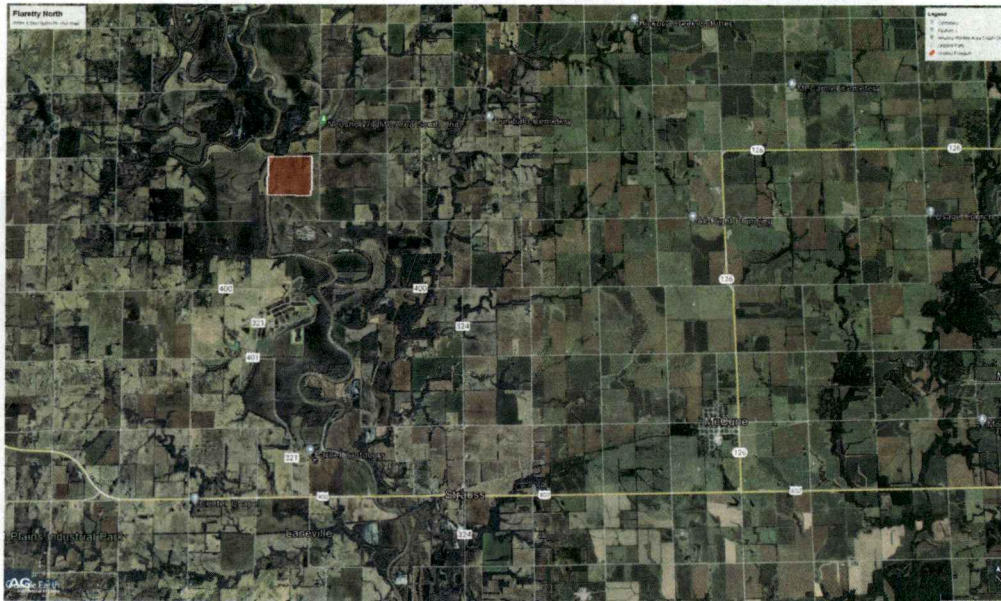
1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

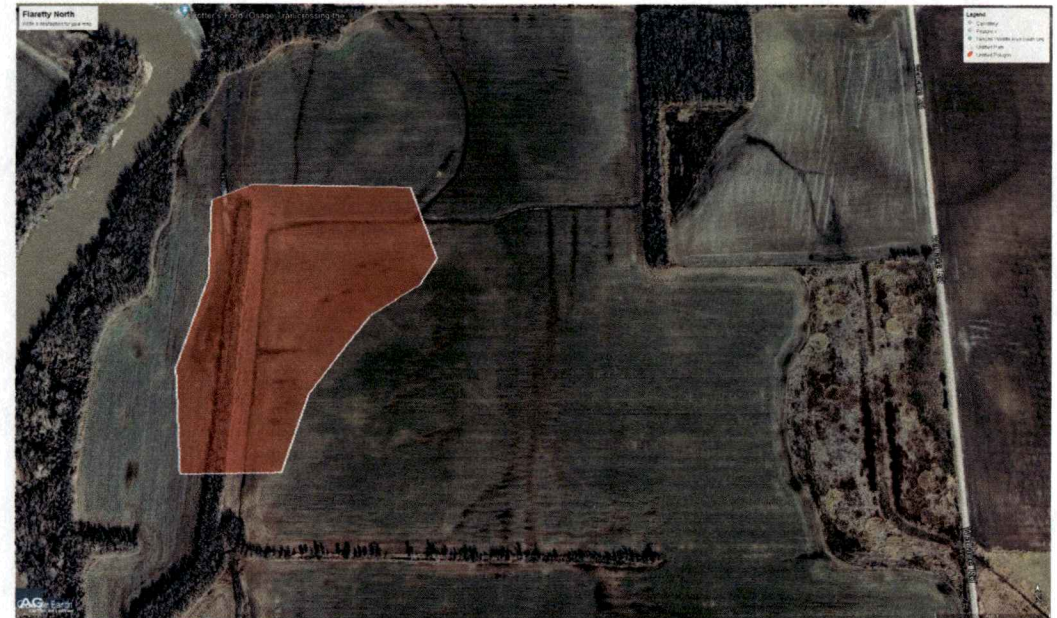
Terlip Flaretty North Duck Marsh

Drawings

- 1 Title
- 2 Overall layout and Grading
- 3 Exterior Berm CL profile
- 4 Exterior Berm Cross Sections 1
- 5 Exterior Berm Cross Sections 2
- 6 Details
- 7 Compaction spec
- 8 Planting Plan
- 9 Proposed Pump Sites



all contours and designs are based in a local coordinate system not tied to any state planes



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Proposed Pump Site Locations

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STORMWATER POLLUTION PREVENTION PLAN

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CCT Holdings, LLC
218 East McKay
Frontenac, Ks. 66763

North Duck Marsh

LEGAL DESCRIPTION

The Southeast Quarter of the Northeast Quarter (SE/4 NE/4); the West Half of the Northeast Quarter (W/2 NE/4); Lots Five (5), Six (6), Seven (7) and Eight (8); and the Southeast Quarter (SE/4) less cemetery; ALL in Section Twenty-nine (29), Township Thirty (30), Range Twenty-one (21) East of the 6th P.M., Neosho County, Kansas.

NEOSHO COUNTY, KANSAS

May 29, 2024

Terlip Flaretty North Duck Marsh



- ## Drawings
- 1 Title
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All contours and designs are based on a local coordinate system and are not tied to any state plane coordinate system.

I hereby certify that the drawings and specifications bearing my seal were prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Kansas.

Signature: _____

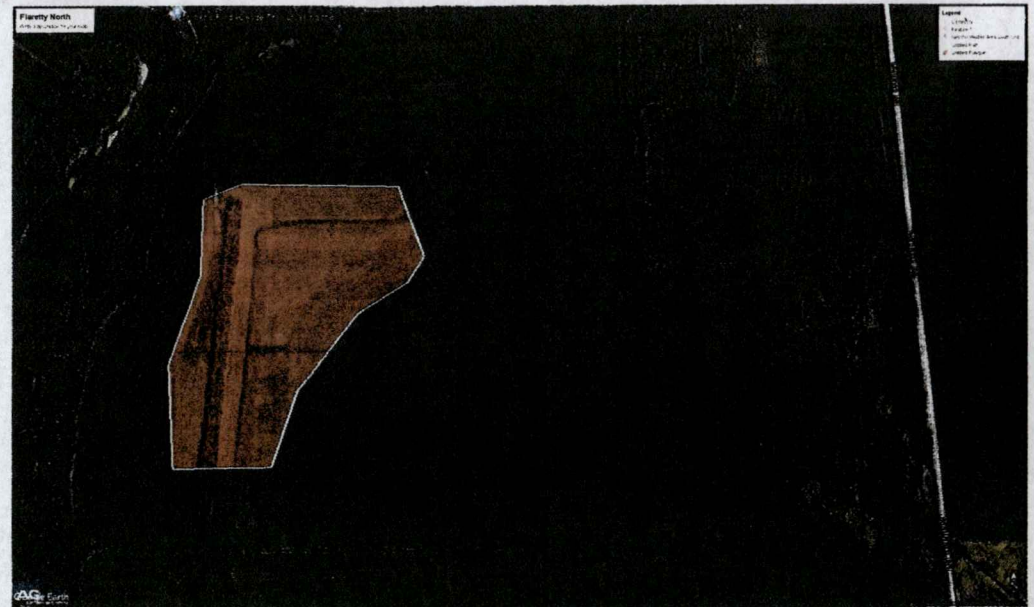
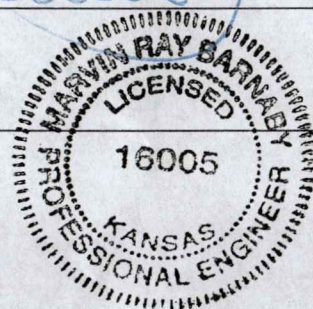
Marvin R. Barnaby

Typed Name: Marvin R. Barnaby

Date: 6/21/2024

License Number: 16005

License Renewal Date: April 30, 2026



KKTGC HOLDING TRUST
218 East McCay, Frontenac, Kansas
Construction Pollution Prevention Plan
May 29, 2024

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SITE DESCRIPTION

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Project Name and Location: CCT Holdings, LLC North Duck Marsh
00 30th Road
St. Paul, Kansas 66771

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Legal Location: The Southeast Quarter of the Northeast Quarter (SE/4 NE/4); the West Half of the Northeast Quarter (W/2 NE/4); Lots Five (5), Six (6), Seven (7) and Eight (8); and the Southeast Quarter (SE/4) less cemetery; ALL in Section Twenty-nine (29), Township Thirty (30), Range Twenty-one (21) East of the 6th P.M., Neosho County, Kansas.

Owner Name and Address:

CCT Holdings, LLC
218 East McCay
Frontenac, Ks. 66763

**Person Designated by Owner
In Charge of Implementing
Plan and Training On Site
Personnel to Implement Plan:**

Craig Spencer
Double S Dirtworks
443 NW 130" Ave
Liberal MO 64762 Ph.11 417-214-4003

**On-Site Person in Charge of
Inspections and Day to Day
Operation of the Plan:**

Craig Spencer
Double S Dirtworks
443 NW 130th Ave.
Liberal MO 64762 Ph.# 417-214-4003

Description: This project will consist of construction of a system of dikes for use as water retention structures in conjunction with a managed wetland for waterfowl habitat. Approximately 3,800 feet of berms will be constructed along with a controlled outlets to retain water pumped seasonally from the Neosho River for waterfowl habitat. Approximately 20 acres located within the dike system will be flooded. The project will disturb approximately 5 acres in conjunction with construction of the berms and ditches in Section Twenty-nine (29), Township Thirty (30), Range Twenty-one (21) East of the 6th P.M., Neosho County, Kansas.

Surface runoff will be mostly contained on site in excavated areas with overflows being outletted onto existing timber and vegetated buffers maintained around the construction site eventually utilizing existing vegetated drainage ditches along field boundaries along the east and south sides of the property to outlet into an unnamed tributaries of the Neosho River passing along the boundaries of the property.

Site Area: The disturbed area on site is approximately 24 acres in size.

Sequence of Major Activities:

The order of activities will be as follows:

1. Install stabilized construction entrance from 20th Road to control or avoid storm water runoff concentration off site and transport of mud and sediment by wheel traffic off site.
2. Clear and strip construction area of woody vegetation and topsoil.
3. Reserve topsoil for final cover on earthen slope areas.
4. Proof roll construction areas for proposed berms. Install stabilized fill over all construction areas and compact and grade to final elevations.
5. Install bale barriers or rock checks as shown on plans along backslope and outlet areas of finished berms.
6. Maintain stabilized roads and materials storage areas to prevent runoff from escaping or ponding in uncontrolled areas.
7. Place stock piled topsoil on all disturbed areas as required to establish vegetative cover.
8. Complete final site grading.
9. Stabilize site and complete seeding.

Name of Receiving Waters:

The entire site drains into unnamed tributaries of the Neosho River that pass along the property boundaries along the east and south sides.

CONTROLS: Erosion and Sediment Stabilization Practices

Temporary Stabilization: Proposed measures to control pollutants in storm water discharges during construction include

- maintaining construction progression to minimize vegetation disturbance on the entire site but especially in areas with stormwater flow concentration;
- maintaining site contours to collect all sediment as practical internal to on site construction areas;
- draining and pumping runoff from collection areas as needed after settlement has occurred;
- expediting construction during dry weather;
- Runoff from the backslope of fill areas will be directed onto undisturbed grass and timber areas adjacent to the construction area until construction is completed and seeding is established.
- Along the toe of the backslope of fill areas, runoff will pass through a series of bale barriers or rock checks before entering the grassed and timbered areas or be directed into the grassed areas periodically to prevent excessive accumulation of runoff water. Sediments trapped above the bale barriers, rock checks, or existing vegetative strips will

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be recovered and placed in appropriate disposal areas.

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Permanent Stabilization: Disturbance of existing vegetation adjacent, upstream and downstream of the proposed construction area will be minimized and efforts will be made to direct any sediment laden drainage through existing vegetation before reaching the exiting stream channel. Existing stream beds will be maintained as is and effort will be made to minimize disturbance of these channels on the site. Disturbed areas near the project shall be stabilized promptly after final grading with permanent seeding as specified in the construction specifications and by NRCS recommendations for the area of the state the project is located.

Structural Practices

Sediment Basin -

The project by design, will function as a sediment basin inside the bermed area while construction is undertaken. Sediment will be collected in areas excavated below grade until such time as construction is ready to elevate these areas above grade. The sediment collected from the site disturbance activities will be held in the construction areas until it can be collected and redistributed to appropriate areas away from the drainage courses. Upon completion of the grading of drainage ditched inside the bermed areas, exit points will be stabilized with rock or vegetation to permanently inhibit erosion at these points, as shown on the plans.

Storm Water Management

The project's primary purpose is seasonal waterfowl habitat and is not open to public use. Limited traffic is expected into and out of the site during construction with earthmoving equipment confined to the construction area with no off site materials entering the area. Following completion, storm water from the adjacent drainage areas will not enter the site unless a flood event occurs on the Neosho River at which time it is expected that flood waters will inundate the entire area, as it has for many years previously. Sediment accumulation is expected in the drainage courses from erosion caused by periodic flood events and maintenance of drainage ways will be periodically conducted to maintain appropriate flow during non-flooded seasons. Material salvaged from maintenance of drainage ways will be deposited along berms and field boundaries and included in the normal operations of the field areas within the marsh area.

OTHER CONTROLS

Waste Disposal:

Waste Materials: Contractor is responsible for collecting and removing all construction equipment related waste. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedure for waste disposal.

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Hazardous Waste: All hazardous waste materials will be disposed of in the manner specified by local or State Regulations or by the manufacturer.

Offsite Vehicle Tracking:

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments off site.

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TIMING OF CONTROLS/MEASURES

The Sequence of Major Activities, Page 2, shall be adhered to as closely as practical consistent with good construction progression and practice.

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CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

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The Storm Water Pollution Prevention Plan the Construction of the CCT Holdings, LLC North Duck Marsh was prepared under Kansas Department of Health & Environment Guidelines. No local erosion or sediment control guidelines or requirements are applicable in the area. Local sanitary codes will be complied with as far as sanitary waste generated by the construction activities.

Floodplain fill permits have been applied for from the Kansas Department of Agriculture, Division of Water Resources.

MAINTENANCE/INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls:

1. All control measures will be inspected once each week while construction is going on and once every two weeks after construction ceases and until such time as vegetation has become established and the NOT is filed, and within 24 hours of any storm event of 1/2 inch or greater.
2. All measures will be maintained in good working order. Maintenance and repair of silt fences and bale barriers shall be completed within 24 hours after any damages are discovered.
3. Permanent seeding will be inspected for bare spots, washouts, and healthy growth.
4. In the event construction activities cease for longer than 14 days, all disturbed areas will be stabilized with temporary seeding or mulch until such time as construction activities resume.

Inspection Report:

A report of each inspection shall be made by the contractor or designated inspector and shall be maintained until coverage under the permit has been terminated. The inspection report will include the following minimum information:

1. Name of personnel conducting the inspections

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2. Date and time when inspections are conducted
3. Findings of the inspections
4. Any corrective actions taken
5. When the corrective actions were implemented

Inspections will include:

- (1) All areas not permanently stabilized
- (2) Materials Storage Area
- (3) Structural Control Measures
- (4) Enter/Exit Locations
- (5) Outfall location.

The Storm Water Pollution Prevention Plan (SWPPP) will be amended whenever:

1. There is a change in design, operation or maintenance of Best Management Practices;
2. There is a change in the design of the construction project which could significantly affect the quality of the storm water discharges;
3. The inspections indicate deficiencies in the SWPPP plan or any BMP;
4. KDHE notifies the permittee of deficiencies in the SWPPP plan;
5. The SWPPP plan is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g. there is evidence, such as excessive site erosion, or excessive sediment deposits in streams or lakes); or
6. KDHE determines violations of Surface Water Quality Standards may occur or have occurred.

Non-Storm Water Discharges:

No non-storm water discharges are present at the site.

Training:

Training of on site employees will be conducted to familiarize them with the aspects of the SWPPP. Training will occur periodically as new employees or contractors are hired and the SWPPP is updated. Double S Dirtworks personnel will be the supervisor in charge of training employees. Training will be conducted to familiarize on-site employees with management of the controls required by the SWPPP. Craig Spencer with Double S Dirtworks will be in charge of all training.

Records:

The permittee shall maintain all records required by this general permit for a period of three (3) years following the date on the NOT (Notice of Termination). All records shall be kept onsite or in a readily available location identified in the NOI (Notice of Intent) until final stabilization has been completed. After final stabilization has been completed, records may be maintained at the

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permittee's main office. A copy of the SWPPP will be kept on-site at all times personnel are present.

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Records shall be readily available during normal business hours.

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Records which shall be maintained by the permittee include, but are not limited to:

1. The NOI indicating the Authorization of the storm water runoff from the construction activities by KDHE, and supporting documentation used to apply for authorization under this general permit.
2. The SWPPP plan for the construction site named in the Authorization to discharge storm water runoff, and any amendments to the SWPPP.
3. All site inspection records.
4. All contractor's certifications.
5. Any clearance letters, from KDWP, KSHS, COE, or any other agency providing clearance.
6. Individual Lot Certification (ILC) forms.
7. And a copy of the Notice of Termination (NOT) submitted to KDHE.

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PROJECT START UP AND COMPLETION

The owner or permittee shall notify the Kansas Department of Health and Environment in writing of project start-up and completion as set forth below. The Site Manager for Double S Dirtworks, Craig Spencer, will be in charge of the implementation of the SWPPP and will be the contact for any questions regarding the Plan.

Starting Construction Activity:

The operator who has applied for coverage under this general NPDES permit is not authorized to initiate construction activities and therefore discharge storm water runoff from construction activities described in the NOI until receiving Authorization from KDHE for the discharge.

When the operator receives the authorization to discharge storm water from construction activities, the owner or operator may commence construction activities at the site described in the NOI and supporting documentation under the provisions of this general NPDES permit and in accordance with the construction site storm water pollution prevention plan.

A copy of the NOI indicating the Authorization and the project specific SWPPP including erosion and sediment control plan for the specific project shall be readily available at the construction site.

Plan Updates:

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Information in the SWPPP will be periodically reviewed for accuracy and updated as needed to reflect changes and additions to the operation.

Project Completion:

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The permittee shall notify KDHE of the project completion by submitting a Notice of Termination (NOT). The permittee shall sign the NOT and mail it to KDHE at the following address:

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Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka KS 66612-1367

When the soil disturbing activities are complete, and the final stabilization has been achieved, the permittee can terminate coverage under this general permit by submitting the NOT. The project is considered to be stabilized when either perennial vegetation, pavement, buildings, or structures using man-made materials cover all areas which have been disturbed. Vegetation must have a density of at least 70 percent of undisturbed areas at the site.

SPILL PREVENTION

Material Management Practices:

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff.

Good Housekeeping:

The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough products required to do the job.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufactures label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturer's recommendations for proper use and disposal will be followed.

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- The site inspector will inspect daily to ensure proper use and disposal of materials.

Hazardous Products:

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These practices are used to reduce the risks associated with hazardous materials.

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- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information.
- If surplus product must be disposed of, manufacturers or local and State recommended methods for proper disposal will be followed.

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The following product specific practices will be followed onsite:

Petroleum Products:

All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled.

Spill Control Practices:

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

- Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- All spills will be cleaned up immediately after discovery.
- Spills of toxic or hazardous material will be reported to the appropriate State or local government agency, regardless of the size.
- The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.

INVENTORY OF MATERIALS FOR POLLUTION CONTROL PLAN

The materials or substances listed below are expected to be present onsite during construction:

- Petroleum products, antifreeze, grease for use in construction equipment
- PVC or PE pipe used in drainage control structures

WATER RESOURCES
RECEIVED

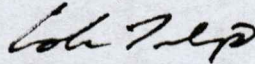
JUN 26 2024

KS Dept. of Agriculture

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed:



Managing Member
CCT Holdings, LLC
218 East McCay
Frontenac, Kansas

6/27/2024

Water Resources
Received

KS Dept Of Agriculture

Dated:

5/29/2024

ATTACHMENTS:

SITE LOCATION MAPS

STRUCTURAL DETAILS

PLANTING PLAN SHEET

SEEDING PLAN

SITE INSPECTION REPORT

CONTRACTOR'S CERTIFICATION FORM

INDIVIDUAL LOT CERTIFICATION FORM

NOTICE OF TRANSFER OF OWNERSHIP FORM

NOTICE OF TERMINATION FORM

Seeding Plan

Owner: CCT Holdings, LLC

218 East McKay

Frontenac, KS 66763

Site: CCT Holdings, LLC North Duck Marsh

Date: 05/29/2024

~~WATER RESOURCES
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~~JUN 26 2024~~

~~KS Dept. of Agriculture~~

6/27/2024

Water Resources
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Mix #1 Berms 5 acres

Species	Variety	PLS		Total PLS Pounds
		LBS/AC	Acres	
Big Bluestem	Kaw	0.5	5	2.5
Indiangrass	Osage	0.5	5	2.5
Little Bluestem	Aldous	0.6	5	3
Sideoats Grama	El Reno	0.5	5	2.5
Switchgrass	Blackwell	0.8	5	4
Western Wheatgrass	Barton	1.6	5	8
Buffalograss	Improved	0.25	5	1.25
Kansas Big 10 Forb Mix		0.25	5	1.25

Total Acres to be seeded: 5 Acres

6/27/2024

WATER RESOURCES
RECEIVED

Water Resources
Received

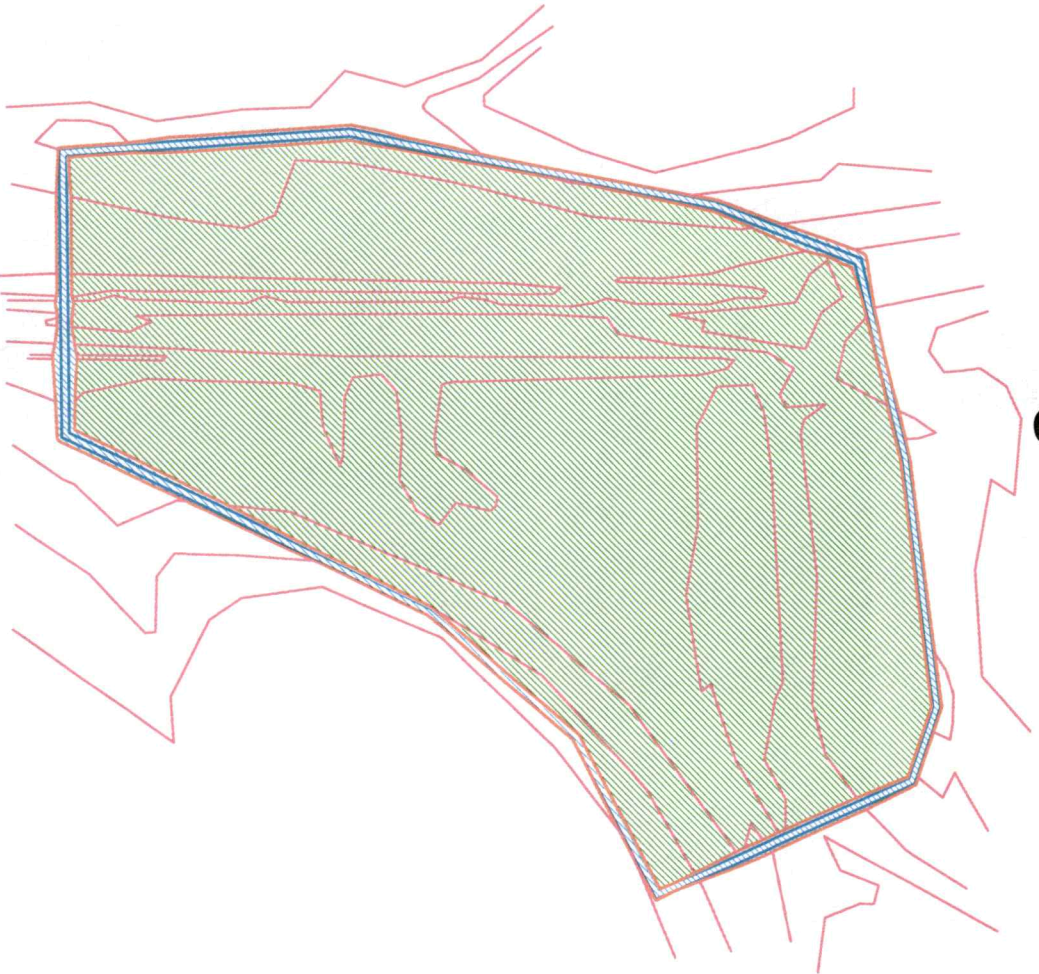
JUN 26 2024

KS Dept. of Agriculture

KS Dept. of Agriculture

Planting Plan

Green - Agland Planting
Blue - Berm Planting



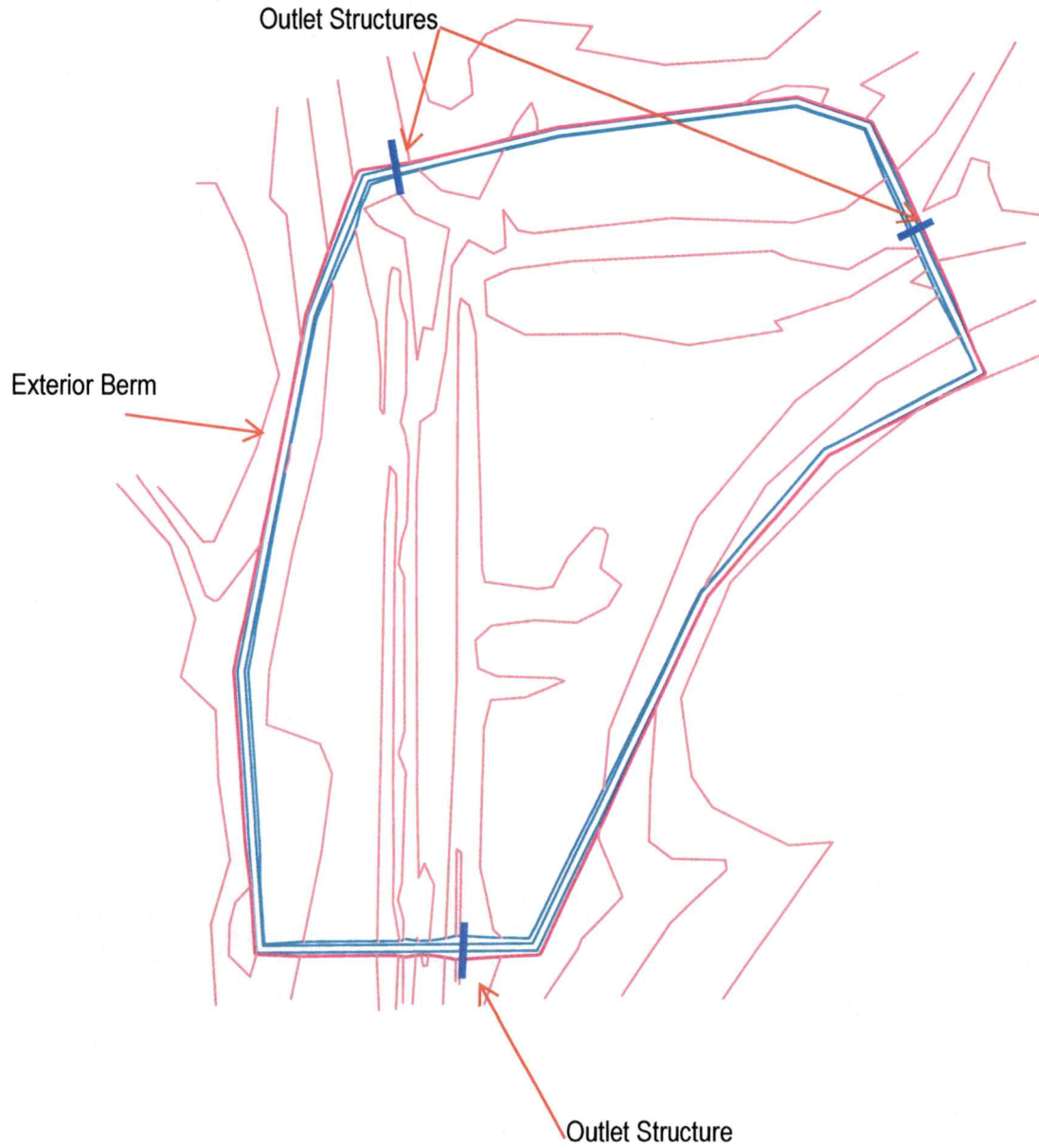
Overall Plan Layout

~~WATER RESOURCES RECEIVED
JUN 26 2024
KS Dept. of Agriculture~~

6/27/2024

Water Resources
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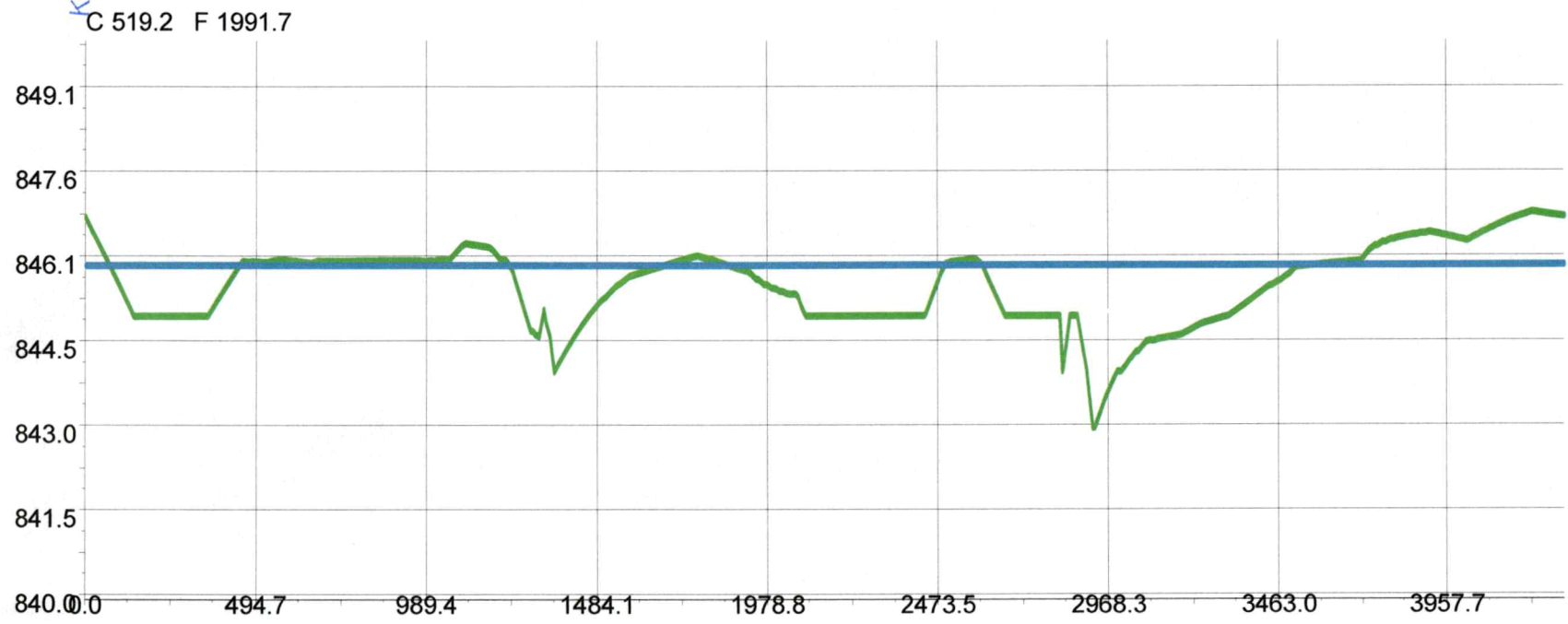
KS Dept Of Agriculture



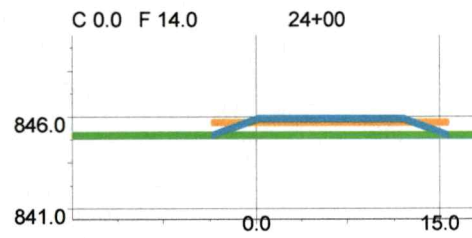
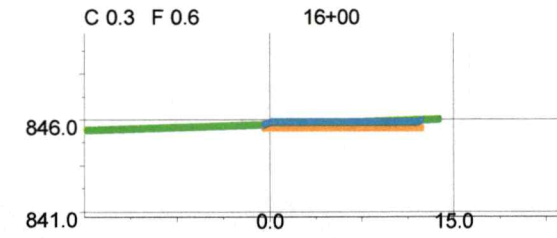
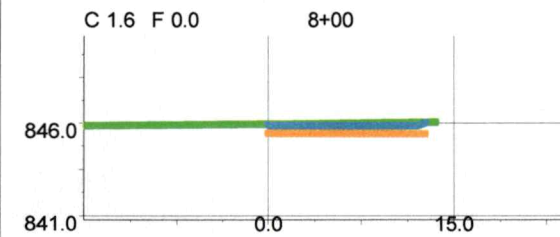
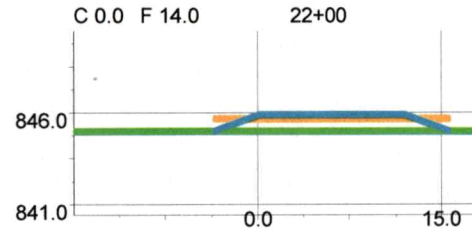
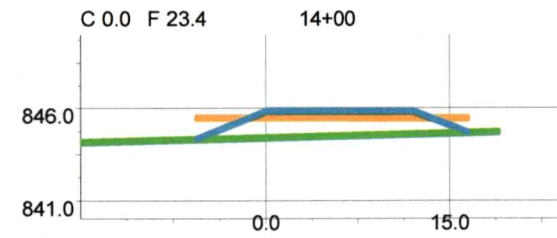
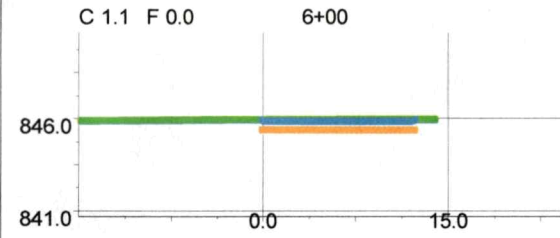
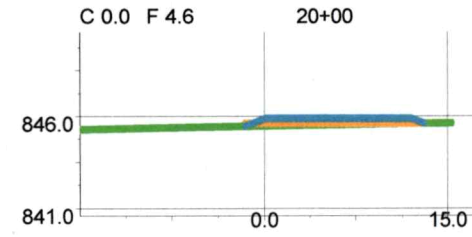
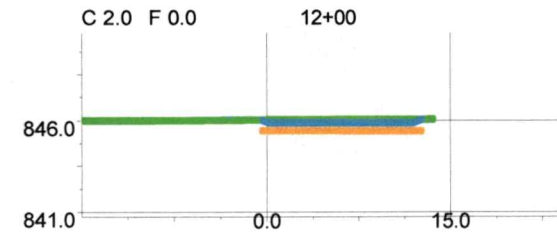
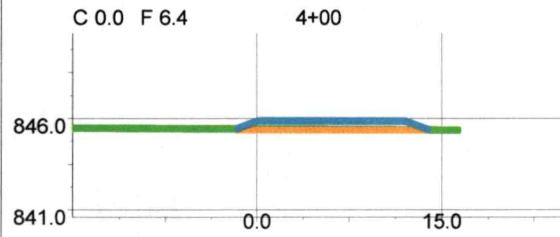
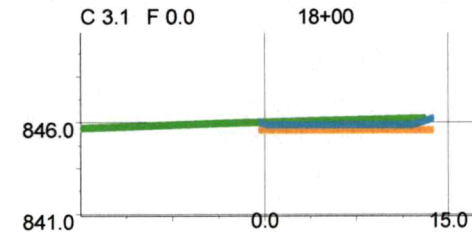
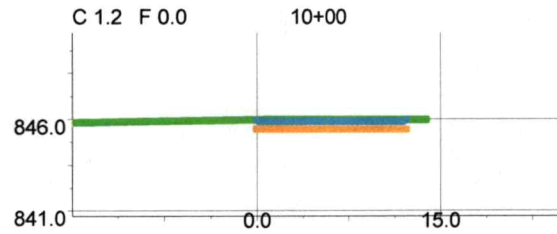
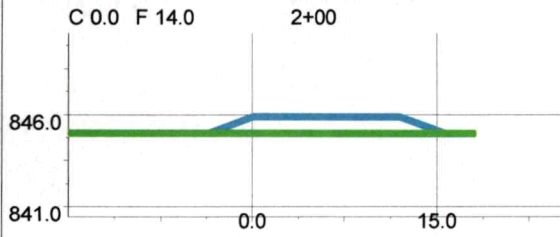
WATER RESOURCES RECEIVED
JUN 26 2024
KS Dept. of Agriculture

Exterior Berm CL Profile

6/27/2024
Water Resources Received
KS Dept Of Agriculture



Blue Line = Top of Berm 845.9'
Green Line = Existing Ground



WATER RESOURCES
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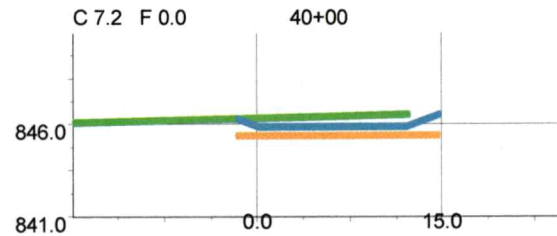
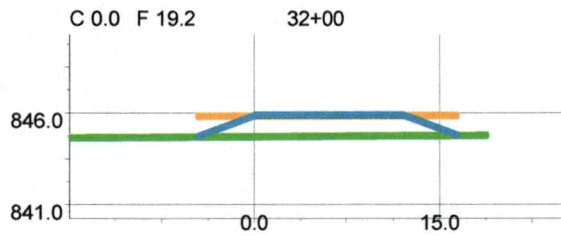
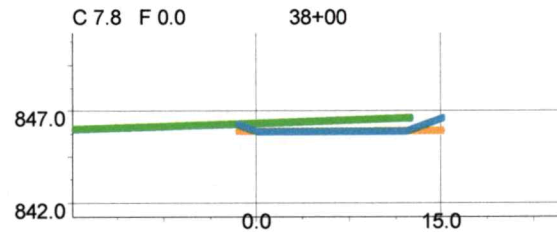
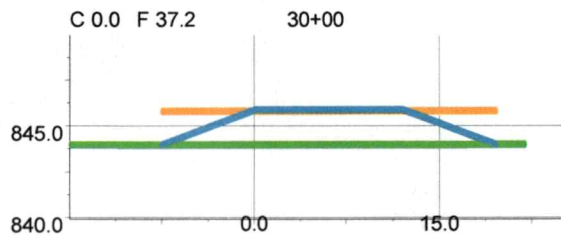
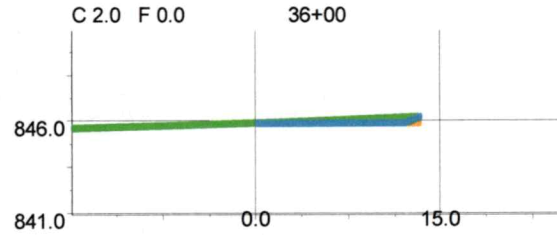
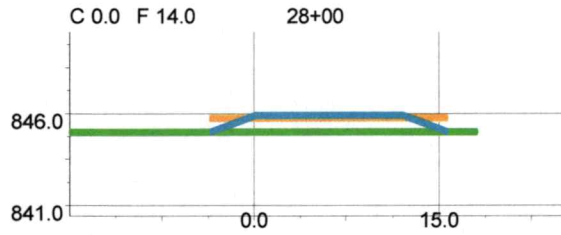
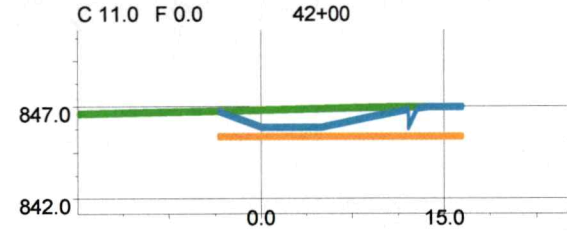
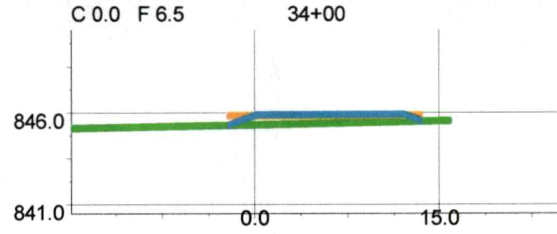
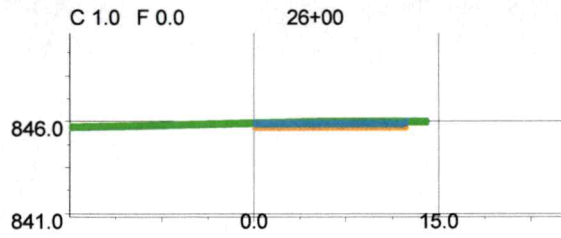
JUN 26 2024

KS Dept. of Agriculture

6/27/2024

Water Resources
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KS Dept Of Agriculture



WATER RESOURCES
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JUN 26 2024

KS Dept. of Agriculture

6/27/2024

Water Resources
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KS Dept Of Agriculture

Details

Berm and pipe outlet details

WATER RESOURCES
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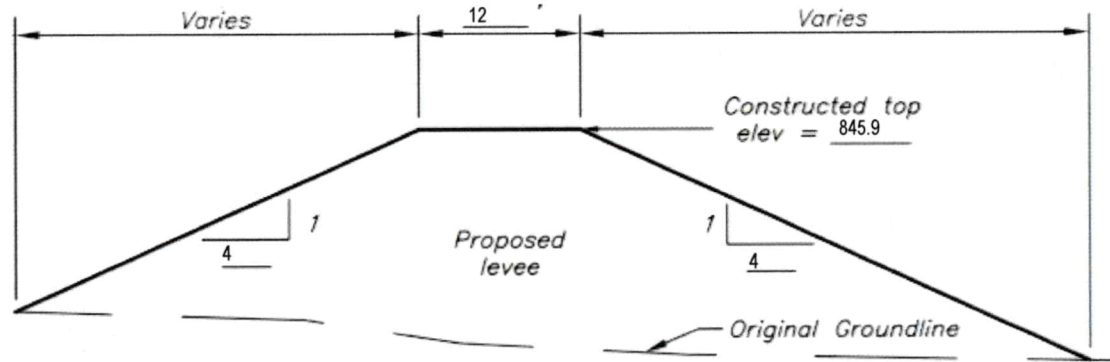
JUN 26 2024

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Water Resources
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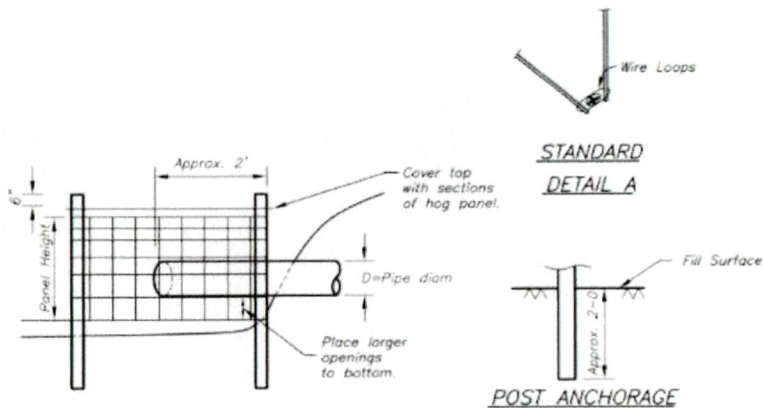
KS Dept Of Agriculture



TYPICAL CROSS SECTION

NOT TO SCALE

Trash rack



WATER RESOURCES
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JUN 26 2024

KS Dept. of Agriculture

6/27/2024

Compaction Spec's

- A. Continuously plow, step, bench, or break up steeply sloped ground surfaces upon or against which fill is to be placed in such a manner that the fill material will bond with the existing surface. Water Resources
Received
- B. Uniformly place fill materials in lifts not exceeding a thickness of 6 inches in loose depth. Compact each lift with a minimum of three (3) passes of loaded, rubber-tired construction equipment, a sheepsfoot roller conforming to the requirements set forth in 2.2 of this Section, or by routing the spreading and hauling equipment to achieve uniform compaction. KS Dept Of Agriculture
- C. Materials containing a substantial percentage of cobbles, boulders and other debris which do not break up during placement and compaction are to be placed at depths greater than one (1) foot below the anticipated final grade shown on the Drawings.
- D. Care shall be taken to minimize compaction of the final surfaces to enhance revegetation success.

Planting Plan

- A. As soon as dike work is completed berms will be overseeded with rye grass and winter wheat at the rate of 12 pounds per acre
- B. In early Spring of the following year permit planting of 8 pounds per acre switch grass will be drilled.

JUN 26 2024

File No. _____

6/28/2024
KJN

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

6/27/2024

Information below is from: Test holes Well as completed Drillers log attached

Water Resources Received

Well location as shown in paragraph

No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

KS Dept Of Agriculture

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at FRONTENAC, Kansas, this 27th day of June, 2024.
(month) (year)

Kurt T
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

None

Assisted by _____ Date: _____
(office/title)

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): _____

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

2. Please summarize how the water will be used and justify the quantity of water requested: _____

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

NE AND NW QUARTERS

You may attach any additional information you believe will assist in informing the Division of the need for your request.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 22, 2024

CCT HOLDINGS
218 E MCKAY
FRONTENAC KS 66763

RE: Application, File No(s). **51258**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 9, 2024

CCT HOLDINGS
KURT TERLIP
218 E MCKAY
FRONTENAC, KS 66763

Re: Proj. Name: Terlip Flaretty North Duck Marsh
Floodplain Fill
Neosho River
Neosho County
WSN: LNO-0181, Notice No.: 2024212

Dear Mr. Terlip:

Consideration has been given to your application for a permit and approval of plans relating to the placement of fill in the floodplain of the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas.

In accordance with the provisions of K.S.A. 24-126, the Chief Engineer has approved the plans and issued the enclosed approval of application, authorizing construction of the proposed project. Please note the approval conditions on the reverse side of the approval document. Condition No. 9 requires the owner to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Other special conditions have been added to limit the removal of timber and vegetation, to require the use of clean material for riprap, to prohibit the introduction of toxic or deleterious materials into the watercourse, to allow the construction of a temporary crossing for construction purposes, to require the project meet the floodplain management requirements of the community, no water shall be held or pumped to the proposed wetland and all outlet structures will remain open until the water right application is approved by a separate permit, and establish a project datum benchmark on or near this site and shall provide the description, assumed elevation, and location of said benchmark to the Chief Engineer prior to completion of construction.

The one set of plans submitted to this office has been endorsed with the Chief Engineer's approval and will be retained in our files. Should you desire any copies of the plans with the Chief Engineer's approval shown thereon, please submit the required number.

Comments about this proposed project were received from several agencies during the environmental review process. Copies of the letters with recommendations from the environmental review agencies are enclosed for your information.

CCT Holdings

WSN: LNO-0181, Notice No.: 2024212

Page 2

The work has been authorized to be completed on or before July 1, 2028. Approval for construction of this project will expire on that date unless the time is subsequently specifically extended by the Chief Engineer. Any desired extension of time should be requested in writing approximately 30 days prior to the expiration date.

Sincerely,



Earl D, Lewis, Jr., P.E.

Chief Engineer

Division of Water Resources

Kansas Department of Agriculture

Enclosure

pc: Zac Short- Double S Dirtworks
Holly Mathews- Neosho County FPA
Kristen Baum – Water Appropriation WR 51258

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION

NO. LNO-0181

K.S.A. 24-126

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, by virtue of the powers and duties imposed by K.S.A. 24-126, hereby issues this approval to CCT Holdings, giving his consent to the placement of fill, identified under the Terlip Flaretty North Duck Marsh project, in the floodplain of the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas.

All work authorized by this approval shall be performed in accordance with the maps, plans, profiles and specifications filed with the application and approved by the Chief Engineer, and in accordance with plans for any changes or modifications subsequently approved by the Chief Engineer subject to the provisions of the aforementioned statute, its regulations and the attached approval conditions.

Witness my hand this 9th day of August, 2024.



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
)SS
County of Riley)

The foregoing instrument was acknowledged before me this 9th day of August, 2024, by Earl D. Lewis Jr., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Deidre Romine
Notary Public

RECORD THIS INSTRUMENT IN THE OFFICE OF THE REGISTER OF DEEDS
OF THE COUNTY WHEREIN THE WORK IS LOCATED

APPROVAL CONDITIONS

1. This approval grants no water rights nor other property rights, nor does it authorize any injury to private property, invasion of private rights nor impairment of senior water rights, nor does it exempt the applicant from obtaining consent from appropriate federal, state or local government.
2. The work shall at all times be subject to supervision and inspection by representatives of the Division of Water Resources.
3. No changes in the work, maps, plans, profiles and specifications as approved shall be made except with the written consent of the Chief Engineer.
4. Any work authorized by this approval will be maintained in a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
5. The clearing of trees, brush, drift and other debris, in order to maintain the work substantially in accordance with the approved plans is hereby authorized, except that the removal of plantings made specifically for habitat or environmental mitigation is not authorized by this approval.
6. Any excess material deposited in the stream channel incidental to the construction and maintenance of the project authorized by this approval shall be removed and the channel restored to a condition satisfactory to the Chief Engineer and substantially in accordance with the approved plans.
7. All areas disturbed by construction or other exposed soil areas shall be seeded and maintained with a mixture of grass or other vegetation appropriate to the soils, climate and project in order to minimize erosion and protect the project integrity.
8. If the work is not completed on or before the 1st day of July, 2028, this approval, if not specifically extended, shall cease and be null and void. If, upon the expiration or revocation of the approval, the work has not been completed, the applicant shall, at his own expense and to such extent and in such time and manner as the Chief Engineer may require, remove all or any portion of the uncompleted work and restore the watercourse to a satisfactory condition. No claim shall be made against the State of Kansas on account of any such removal or alteration.
9. Within thirty (30) days after the completion of the work authorized in this approval, the applicant shall file with the Division a statement that the work has been performed in accordance with this approval and the approved maps, plans, profiles and specifications.
10. The Chief Engineer reserves the right to require such changes in the maps, plans, profiles and specifications as may be considered necessary. The Chief Engineer further reserves the right to modify, suspend or revoke this approval at any time, should the applicant fail to comply with any of the conditions of this approval or regulations of the Division without sufficient cause or should such action be deemed necessary in the interest of public safety and welfare.
11. That the clearing of timber and vegetation is restricted to the absolute minimum required to accomplish the work and not interfere with the beneficial use of project.
12. Only graded rock, quarry-run rock and/or clean concrete rubble shall be used in the work as approved. If concrete rubble is used, all large slabs should be broken up and all exposed reinforcement rods, trash, and other extraneous materials shall be removed prior to placement. No asphalt material shall be placed as fill material.
13. No deleterious or toxic materials shall be introduced into the watercourse or reservoir by runoff, leaching or disposal during or in connection with the work authorized by this permit.
14. The construction of temporary crossings and/or causeways within the project limits of the approved plans is hereby authorized; provided that the temporary obstruction is removed in its entirety and the channel restored to the cross-section proposed in the approved plans. Sufficient hydraulic capacity shall be provided to bypass normal flows to satisfy water right and other public interest needs.
15. The project must meet the floodplain management requirements of the community.
16. No water shall be held or pumped to the proposed wetland and all outlet structures will remain open until the water right application is approved by a separate permit.
17. The permittee shall establish a project datum benchmark on or near this site and shall provide the description, assumed elevation, and location of said benchmark to the Chief Engineer prior to completion of construction.

STATE OF KANSAS
DIVISION OF WATER RESOURCES
DEPARTMENT OF AGRICULTURE

In the matter of: Water Structure No. LNO-0181
CCT Holdings
Floodplain Fill
Neosho River
Neosho County
Proj. Name: Terlip Flaretty North Duck Marsh

NOTICE AND PROOF OF COMPLETION
K.S.A. 24-126

To: CHIEF ENGINEER
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DR
MANHATTAN KS 66502

I, the undersigned, being the holder of an approval to construct pursuant to K.S.A. 24-126 for floodplain fill of the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas, hereby certify that the works, identified above, have been completed as of _____. I further certify that these works have been completed in accordance with such permit, the approved plans, approved specifications, and the terms, conditions and limitations incorporated therein.

I understand that an end-of-construction inspection will be conducted by your office at some future date.

Dated this _____ day of _____ 20_____.

Signature: _____

Name: _____
(Please Print)

Address: _____

Telephone No: _____

From: [Eddy, Zac \[KDWP\]](#)
To: [Warren, Chris \[KDA\]](#)
Subject: KDWP Review 20240445 (ERT20240809) - ECA 2024212, Terlip Flaretty North Wetland Construction
Date: Tuesday, July 30, 2024 4:51:56 PM
Attachments: [image.png](#)

Kurt Terlip,

We have reviewed the information for the proposed floodplain fill along the Neosho River associated with the construction of earthen berms and water control structures for wetland creation to occur in Neosho County, Kansas (S29-T30S-R21E). The project was reviewed for potential impacts to critical wildlife habitats, current state-listed threatened or endangered species and species in need of conservation, as well as Kansas Department of Wildlife and Parks managed areas for which this agency has administrative authority.

The Neosho River is Designated Critical Habitat for the Neosho madtom (*Noturus placidus*) and five species of state- and/or federally-protected freshwater mussels. We encourage any wetland pumping adhere to the best management practices listed below. If these practices cannot be implemented per the current inundation/drawdown plans, additional review and possible permit issuance may be required by this Department.

- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Wetland restoration/creation projects should not impound any streams. Ephemeral and intermittent streams are important breeding and nursery habitats for aquatic organisms. Off-channel wetlands can provide the necessary ecological and recreational functions without impeding aquatic organism movement in stream channels.**
- **Wetland berm designs should include water control structures to allow for seasonal water drawdowns. This will allow for wetland management, natural vegetative growth, and reduce the ability of non-endemic wildlife to colonize the site.**
- **Water pumps should only be stationed in the Neosho River during active pumping of the wetland cell(s), outside of the restriction dates for Neosho madtom spawning (May 21-July 15). Pump intakes will be angled downstream and positioned in the middle of the water column such that they do not come in contact with the channel bottom. Station pumps in locations where the channel bottom substrate is composed of mud, silt or fine sand as opposed to gravel or coarse sand.**
- **Pumps shall be removed from the Neosho River channel and no water will be pumped during the spawning period of the Neosho madtom (*Noturus placidus*)—May 21 through July 15.**
- **Plant a diverse mixture of native wetland species to maximize water quality functions and habitat quality for wildlife.**
- **Provide variation in water depth and wetland perimeter to provide diversity in available habitat.**
- **During construction, implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers (wattles, filter logs, rock ditch checks, mulching, or any combination of these) across the entire**

construction area to prevent sediment and spoil from entering aquatic systems. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established. For more information, go to:

<http://www.kdheks.gov/stormwater/#construct>.

- **Following completion of berm construction, disturbed soils should be revegetated as quickly as possible to reduce erosion and sedimentation of wetlands. Reseed disturbed areas with native warm-season grasses and forbs.**

Results of our review cannot confirm significant impacts to critical wildlife habitats; therefore, no special mitigation measures are required. The project will not impact any public recreational areas, nor could we document any direct impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Permits may still be required from other agencies. We recommend consultation with all other applicable regulatory authorities which, among others, may include Kansas Department of Health and Environment, Kansas Department of Agriculture-Division of Water Resources, and the U.S. Army Corps of Engineers.

Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Please consider this email our official review for this project. Thank you for the opportunity to provide these comments and recommendations. Please let me know if you have any questions or concerns about the preceding information.

Please direct all review materials electronically to kdwpt.ess@ks.gov to streamline the review process for all parties.

Thank you.



--

Zac Eddy | *Terrestrial Ecologist*

Kansas Department of Wildlife and Parks

512 SE 25th Ave. | Pratt, KS 67124

(620) 672-0788 | ksoutdoors.com

From: [Kathy Haynes \[KCC\]](#)
To: [Warren, Chris \[KDA\]](#)
Subject: RE: ECA# 2024212
Date: Wednesday, July 3, 2024 8:47:32 AM

A review of Conservation Division files failed to indicate any environmental concerns within the acreage described within this application.

In the event unexpected circumstances are encountered during construction, such as the discovery of abandoned oil, gas or exploratory holes or lead lines, the applicant should contact KCC district office at (620) 902-6450, so appropriate regulatory response can be made.

If you have any questions or concerns, please call me at (316) 337-6243.

Kathy Haynes

Department of Environmental Protection and Remediation



Conservation Division
Kansas Corporation Commission
266 N. Main Ste 220 | Wichita, KS | 67202-1513
Phone (316) 337-6243 | Fax (316) 337-6211 | <http://kcc.ks.gov/>
Email: Kathy.Haynes@ks.gov

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the KORA, K.S.A. 2010 Supp. 45-215 et seq.

From: Warren, Chris [KDA] <Chris.Warren@ks.gov>
Sent: Monday, July 1, 2024 4:32 PM
To: Klein, Andrew <ajklein@ksu.edu>; Environmental Services, KDWPT [KDWPT] <KDWPT.ess@ks.gov>; Kathy Haynes [KCC] <Kathy.Haynes@ks.gov>; KBS (biosurvey@ku.edu) <biosurvey@ku.edu>; KDA DOC Office Assistant <KDA.DOC@ks.gov>; KSHS_Historic Preservation <KSHS.SHPO@ks.gov>; Scott Satterthwaite [KDHE] <Scott.Satterthwaite@ks.gov>
Cc: kurtterlip@gmail.com; gis@neoshocountyks.org; Regulatory.kansasstate@usace.army.mil; Terhune, Andrew [KDA] <Andrew.Terhune@ks.gov>
Subject: ECA# 2024212

The Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, requires this agency to provide seven other agencies in the state government an opportunity to review and comment on your application for a period of not less than 30 days. The environmental coordination process has been initiated, but a thorough review of your project may not yet have been performed. You will be informed of any changes that may be necessary to comply

with our rules and regulations and any concerns or comments we receive from the environmental coordination agencies.

This letter does not provide any permission to begin the construction of your project. **Construction can begin only after written approval has been obtained from the Chief Engineer of this agency.** If you have any questions or comments please contact this office by writing or calling (785) 296-0501.

Notice No.: 2024212

WS No.: LNO-0181

Project Name: Terlip Flaretty North Duck Marsh

Date of Notice: 7/1/2024

Expiration Date: 7/31/2024

Fill in the floodplain of the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas.

ECA Listing:

<https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-structures/environmental-coordination-act/notice-index-page>

Chris R. Warren

Water Structure Program- Permits Team

Kansas Dept of Agriculture

Division of Water Resources

1131 SW Winding Rd Ste 400

Topeka KS 66615

(785) 296-0501

NEW E-MAIL ADDRESS: chris.warren@ks.gov

<https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-structures/stream-and-floodplain-permits>

Our applications have changed. Please visit our website to obtain them for new projects at:

<https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-structures/stream-and-floodplain-permits#SOCCForms>

From: [Scott Satterthwaite \[KDHE\]](#)
To: [Warren, Chris \[KDA\]](#)
Cc: [Larry Hook \[KDHE\]](#); [KDHE SEDO Administrators](#); [Kansas State, Regulatory](#)
Subject: RE: ECA# 2024212 CCT Holdings Kurt Terlip floodplain fill for duck marsh in along Neosho R NO
Date: Monday, July 29, 2024 1:32:33 PM
Attachments: [ECA 2024212 KSWQS WQC CCT Holdings Kurt Terlip floodplain fill for duck marsh in along Neosho R NO.doc](#)

Mr. Warren,

KDHE has completed review of the information provided by KDA-DWR. Please find, as KDHE's comments per Water Projects ECA noted below, the attached Kansas Surface Water Quality Standards for Water Quality Certification for the referenced project. Please contact me if you have any questions. Thank you.

Best Regards,
Scott

Be Great, infiltrate...with healthy soils!

.....
Scott L. Satterthwaite
Kansas Department of Health and Environment
Bureau of Environmental Field Services, Watershed Management Section
1000 S.W. Jackson St., Suite 430
Topeka, KS 66612-1367
EMAIL- Scott.Satterthwaite@ks.gov
Phone (785) 296-5573
Mobile (785) 480-9837
FAX- 785-559-4258

From: Warren, Chris [KDA] <Chris.Warren@ks.gov>
Sent: Monday, July 1, 2024 4:32 PM
To: Klein, Andrew <ajklein@ksu.edu>; Environmental Services, KDWPT [KDWPT] <KDWPT.ess@ks.gov>; Kathy Haynes [KCC] <Kathy.Haynes@ks.gov>; KBS (biosurvey@ku.edu) <biosurvey@ku.edu>; KDA DOC Office Assistant <KDA.DOC@ks.gov>; KSHS_Historic Preservation <KSHS.SHPO@ks.gov>; Scott Satterthwaite [KDHE] <Scott.Satterthwaite@ks.gov>
Cc: kurtterlip@gmail.com; gis@neoshocountyks.org; Regulatory.kansasstate@usace.army.mil; Terhune, Andrew [KDA] <Andrew.Terhune@ks.gov>
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Notice No.: 2024212

WS No.: LNO-0181

Project Name: Terlip Flaretty North Duck Marsh

Date of Notice: 7/1/2024

Expiration Date: 7/31/2024

Fill in the floodplain of the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas.

ECA Listing:

<https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-structures/environmental-coordination-act/notice-index-page>

Chris R. Warren

Water Structure Program- Permits Team

Kansas Dept of Agriculture

Division of Water Resources

1131 SW Winding Rd Ste 400

Topeka KS 66615

(785) 296-0501

NEW E-MAIL ADDRESS: chris.warren@ks.gov

<https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/water-structures/stream-and-floodplain-permits>

Our applications have changed. Please visit our website to obtain them for new projects at:

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Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

July 29, 2024

Mr. Chris R. Warren
Water Structure Program- Permits Team
Kansas Dept. of Agriculture
Division of Water Resources
1131 SW Winding Rd Ste 400
Topeka KS 66615

Kansas Surface Water Quality Standards for Water Quality Certification

RE: ECA 2024212: Project: Terlip Flaretty North Duck Marsh floodplain fill in and along the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas. Applicant: CCT Holdings, Kurt Terlip, 218 E McKay, Frontenac KS 66763.

The Kansas Department of Health and Environment has been notified by your office of the opportunity to review and comment on the referenced project. Pursuant to KSA 82a-326(a)(4) and (b) of the Environmental Coordination Act, the Kansas Department of Health and Environment has reviewed the proposed project. The project is considered to be a water quality impacting action subject to the provisions of K.A.R. 28-16-28f(b). This regulation specifies:

"No action identified below shall be taken unless the department has issued a water quality certification for the following action:

- (1) any action requiring a federal license or permit pursuant to the federal clean water act,
- (2) any action subject to the permitting provisions of K.S.A. 65-165,
- (3) any water development project subject to the provisions of K.S.A. 82a-325 et. seq., as amended,
- (4) **any action undertaken by any Kansas state agency which in the opinion of the department, has a potential water quality impact."**

Please note: A programmatic (blanket) water quality certification (WQC) for KS Section 401 of the Clean Water Act was included with the Clean Water Act Section 404 Nationwide permits which may be issued by the Department of Army Corps of Engineers. However, said WQC does not contain the detail to ensure the applicant and all involved in the work understands the value of water quality and natural resources in the Neosho River, included in this letter.

Thus, KDHE has reviewed the project information and outcomes and has determined the project has the following potential water pollutant discharge sources:

Mr. Warren (ECA 2024212)

July 29, 2024

Page 2 of 6

1. Construction and excavation activities including grading and filling, equipment and materials storage, equipment fueling and maintenance, etc.
2. Significant riparian area disturbance.

Discharges from these sources if not minimized or otherwise controlled may cause violations of the provisions of the Kansas Surface Water Quality Standards (KSWQS) found at K.A.R. 28-16-28 et seq. As referenced above, the project will impact Neosho River **described** in the Kansas Surface Water Register (KSWR) as a **classified general-purpose water** having the following designated uses: Special aquatic life use, Primary contact recreation stream segment is open and accessible by the public under Kansas law, groundwater recharge, food procurement, Industrial, irrigation, drinking and livestock watering supply.

As noted above, the Neosho River has a special aquatic life use (SALU) designation. Waters designated as SALU contain designated critical habitat for threatened or endangered species, known populations of threatened or endangered species or uncommon combinations of plants and animals as documented in K.A.R. 28-16-28d(b)(2)(A). Additionally, K.A.R. 28-16-28c(a)(4) states: "No degradation of surface water quality by artificial sources of pollution shall be allowed if the degradation will result in harmful effects on populations of any threatened or endangered species of aquatic or semiaquatic life or terrestrial wildlife or its critical habitat as determined by the secretary of wildlife and parks pursuant to K.S.A. 32-960, and amendments thereto, and K.A.R. 115-15-3 or in the federal endangered species act, 16 U.S.C. 1532, as amended on October 7, 1988." At a minimum, pursuant to K.A.R. 28-16-28c(a)(1)(A); levels of water quality in surface waters of the state shall be maintained to protect the existing uses of those surface waters.

As stated above the Cottonwood River requires a higher level of water quality protection. Therefore, a Stormwater Pollution Prevention Plan, per Conditions 4. and 8 of this certification shall be emailed to the address below:

Scott L. Satterthwaite
Scott.Satterthwaite@ks.gov
Kansas Department of Health and Environment
Bureau of Environmental Field Services
Watershed Management Section

Please note the Kansas Surface Water Quality Standard citations and locations within this document are subject to change without notice. For the most recent version, please see: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.

The KDHE has determined the project can avoid KS WQS violations and thus conditionally certifies it as the applicant adheres to the following:

- 1) **This certification shall be posted on site through the duration of the project.**
- 2) **KDHE Notification:** Permit recipients shall email KDHE at KDHE.NPS@ks.gov when construction starts.

Mr. Warren (ECA 2024212)

July 29, 2024

Page 3 of 6

- 3) CCT Holdings Kurt Terlip. shall avoid or control the discharge of suspended solids from construction activities so that the project does not cause:
 - a. Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].
 - b. Any surface waters of the state within and below the project area to contain discarded solid material, including trash, garbage rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire and other unwanted or discarded materials [K.A.R. 28-16-28e(b)(3)].
 - c. Any surface waters of the state within and below the project to have floating debris, scum, foam, froth and other floating materials directly or indirectly attributable to the project [K.A.R. 28-16-28e(b)(4)].
 - d. Any surface waters of the state within or below the project to have of deposits of sludge or fine solids [K.A.R. 28-16-28e(b)(6)].
 - e. Alteration of the natural appearance of surface waters of the state within or below the project by the addition of color-producing or turbidity-producing substances of artificial origin [K.A.R. 28-16-28e(b)(8)].
 - f. Addition of suspended solids to Neosho River in amounts and concentrations that will interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic or semiaquatic life or terrestrial wildlife [K.A.R. 28-16-28e(d)(2)(B)].
- 4) As a part of a larger project, construction activities disturbing one acre or more, not under Section 404 jurisdiction, are subject to National Pollutant Discharge Elimination System (N.P.D.E.S.) stormwater permit requirements. CCT Holdings Kurt Terlip. shall obtain an Authorization to Discharge Under Construction Stormwater Runoff Kansas Water Pollution Control General Permit. For more information they shall contact Mr. Larry Hook, P.E., at 785/296-5549, larry.hook@ks.gov; Bureau of Water Permit and Compliance Section with any questions or visit KDHE's website: <https://www.kdhe.ks.gov/757/Construction-Stormwater-Program>. A Stormwater Pollution Prevention Plan (SWP2) is required by the above-described permit and a copy shall be maintained and available at the site for inspection while also being available for submittal as requested by KDHE BWPC.
- 5) CCT Holdings Kurt Terlip. shall avoid or control the discharge of toxic substances, oil and grease and other fluids from riparian activities, so that the project does not cause:
 - a. Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].

Mr. Warren (ECA 2024212)

July 29, 2024

Page 4 of 6

- b. Surface waters of the state within and below the project area to have toxic substances, radioactive isotopes, and infectious microorganisms in concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife or aquatic or semi-aquatic life [K.A.R. 28-16-28e(b)(2)].
 - c. Any surface waters of the state within and below the project area to have a visible oil and grease film or sheen on the water surface or on submerged substrate or adjoining shore lines, nor have a sludge or emulsion deposit below the water surface of adjoining shorelines [K.A.R. 28-16-28e(b)(5)].
 - d. Any surface waters of the state within and below the project to contain taste and odor producing substances at concentrations which interfere with the production of potable water by conventional water treatment processes, impart an unpalatable flavor to edible aquatic or semi-aquatic life or terrestrial wildlife or that result in noticeable odors in the vicinity [K.A.R. 28-16-28e(b)(7)].
 - e. The concentration of dissolved oxygen in Neosho River to be lower than 5.0 mg/L, Kansas Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - f. The pH in Neosho River to be below 6.5 or above 8.5 including effects by concentrations of toxic substances. Refer to Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - g. Concentrations of toxic substances listed in Tables 1a, 1b, and 1c [K.A.R. 28-16-28e(d)] in Neosho River to exceed the criteria set out in said tables [K.A.R. 28-16-28e(d)(2)(D) and K.A.R. 28-16-28e(d)(4)(B)] found at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - h. In Neosho River harmful concentrations of any substance alone or in combination with other substances causing toxic, carcinogenic, teratogenic, or mutagenic effects in humans [K.A.R. 28-16-28e(d)(3)(C)] found at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - i. Except as provided in paragraph (d)(3)(B), the criteria listed in table 1a of the “Kansas surface water quality standards: tables of numeric criteria” for domestic water supply use shall not be exceeded at any point of domestic water supply diversion. [K.A.R. 28-16-28e(d)(3)(A)(C)]
- 6) CCT Holdings Kurt Terlip., shall avoid or control the discharge of plant nutrients from fertilizer application or restorative vegetative treatment so that the project does not cause:
- a. Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].

Mr. Warren (ECA 2024212)

July 29, 2024

Page 5 of 6

- b. Surface waters of the state within and below the project area to have toxic substances, radioactive isotopes, and infectious microorganisms in concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife or aquatic or semi-aquatic life [K.A.R. 28-16-28e(b)(2)].
 - c. Any surface waters of the state within and below the project area to have a visible oil and grease film or sheen on the water surface or on submerged substrate or adjoining shorelines, nor have a sludge or emulsion deposit below the water surface of adjoining shorelines [K.A.R. 28-16-28e(b)(5)].
 - d. The pH in Neosho River to be below 6.5 or above 8.5 including effects by concentrations of toxic substances. Refer to Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
- 7) CCT Holdings Kurt Terlip. shall avoid or control the discharge of Escherichia-coli bacteria from the project site (via poor housekeeping, sanitation etc.) into Neosho River so that the project does not cause the Escherichia-coli bacteria concentration to exceed the geometric mean of colony forming units (CFUs) 262 CFUs- Apr. 1 – Oct. 31 and Nov. 1 – Mar. 31- 2358 CFUs. per KAR 28-16-28e(d)(7) found in Table 1i of the Tables of Numeric Criteria at <https://www.kdheks.gov/tmdl/kswqs.htm>.
- 8) CCT Holdings Kurt Terlip. shall prepare a **written project water quality protection plan (PWQPP) to address conditions 3. through 7. above:**
 - a. **If one or more acres are disturbed the Stormwater Pollution Prevention (SWP2) Plan per Condition 4. will suffice as the PWQPP. It should be kept on site through the duration of the project.**
 - b. **This SWP2 should include the following BMPs to further protect Neosho River.**
 - i. Fertilizer application and riparian areas: Fertilizer application for temporary erosion control on the construction site shall be done in a manner that does not allow it to leave the treated area.
 - ii. Erosion and sediment control: Maintain practices to minimize or avoid soil loss and sedimentation.
 - iii. Solid Waste: All waste materials produced by the construction project shall be disposed of in accordance with the provisions of the Kansas solid waste management statutes and regulations (K.S.A. 65-3401 and K.A.R. 28-29-1 et. seq.) or applicable local rules. Good housekeeping including personal refuse such as food containers, sacks etc. shall also be addressed.
 - iv. Construction shall be done in a manner that avoids downstream bank instability.

Mr. Warren (ECA 2024212)

July 29, 2024

Page 6 of 6

- v. Floating Debris: The applicant shall take appropriate measures to capture any floating debris released to surface waters as a result of this project.
 - vi. Fuels, Chemicals and Maintenance Areas: All fuels and chemicals necessary to complete the project shall be stored in such a manner that accidental spillage is minimized or can be temporarily contained before reaching the water body. Equipment maintenance areas shall also be located in this manner.
 - vii. Spills: Should a spill of fuel or discharge of pollutants occur the local emergency staff should be contacted first by dialing 911. The Kansas Department of Health and Environment shall then be notified immediately: (785) 291-3333-Option 1 for response. Hazardous materials spills and air releases that meet federal reportable quantities must also be reported to Kansas Division of Emergency Management: (785) 291-3333- Option 2. (24 hours a day.) These incidences should also be reported to the National Spill Response Center at 1-800-424-8802. A Spill Prevention and Response Plan should be prepared.
- 9) This certification does not relieve CCT Holdings Kurt Terlip. of their responsibility for any discharge into waters of the state. The Kansas Department of Health and Environment retains the option of revoking or revising this certification any time an inappropriate discharge may occur. As provided by K.S.A. 65-171(f), failure to comply with the conditions of this certification may subject the responsible party to fines up to \$10,000 per violation with each day the violation occurs constituting a separate violation.
- 10) If CCT Holdings Kurt Terlip. believes complying with the conditions of this water quality certification will be economically unfeasible, they can seek a variance. Entities or persons seeking a variance from any of the requirements indicated above shall submit to the secretary, in writing, a request for the variance and shall provide information and data relevant to the variance request for KDHE's review and consideration for approval while adhering to WQS (KAR 28-16-28b to 28-16-28h).

Finally, questions concerning this certification may be directed to Mr. Scott Satterthwaite, 785-296-5573 or by email to: Scott.Satterthwaite@ks.gov.

Sincerely,



Scott L. Satterthwaite, M.S.
Environmental Specialist, KDHE B.E.F.S

ECc: KDHE: SEDO, Hook
Regulatory.kanasstate@usace.army.mil

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

July 29, 2024

Mr. Chris R. Warren
Water Structure Program- Permits Team
Kansas Dept. of Agriculture
Division of Water Resources
1131 SW Winding Rd Ste 400
Topeka KS 66615

Kansas Surface Water Quality Standards for Water Quality Certification

RE: ECA 2024212: Project: Terlip Flaretty North Duck Marsh floodplain fill in and along the Neosho River at a location in the N 1/2 of Section 29, Township 30 South, Range 21 East, Neosho County, Kansas. Applicant: CCT Holdings, Kurt Terlip, 218 E McKay, Frontenac KS 66763.

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Please note: A programmatic (blanket) water quality certification (WQC) for KS Section 401 of the Clean Water Act was included with the Clean Water Act Section 404 Nationwide permits which may be issued by the Department of Army Corps of Engineers. However, said WQC does not contain the detail to ensure the applicant and all involved in the work understands the value of water quality and natural resources in the Neosho River, included in this letter.

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Mr. Warren (ECA 2024212)

July 29, 2024

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Scott L. Satterthwaite
Scott.Satterthwaite@ks.gov
Kansas Department of Health and Environment
Bureau of Environmental Field Services
Watershed Management Section

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 - c. Any surface waters of the state within and below the project to have floating debris, scum, foam, froth and other floating materials directly or indirectly attributable to the project [K.A.R. 28-16-28e(b)(4)].
 - d. Any surface waters of the state within or below the project to have of deposits of sludge or fine solids [K.A.R. 28-16-28e(b)(6)].
 - e. Alteration of the natural appearance of surface waters of the state within or below the project by the addition of color-producing or turbidity-producing substances of artificial origin [K.A.R. 28-16-28e(b)(8)].
 - f. Addition of suspended solids to Neosho River in amounts and concentrations that will interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic or semiaquatic life or terrestrial wildlife [K.A.R. 28-16-28e(d)(2)(B)].
- 4) As a part of a larger project, construction activities disturbing one acre or more, not under Section 404 jurisdiction, are subject to National Pollutant Discharge Elimination System (N.P.D.E.S.) stormwater permit requirements. CCT Holdings Kurt Terlip. shall obtain an Authorization to Discharge Under Construction Stormwater Runoff Kansas Water Pollution Control General Permit. For more information they shall contact Mr. Larry Hook, P.E., at 785/296-5549, larry.hook@ks.gov; Bureau of Water Permit and Compliance Section with any questions or visit KDHE's website: <https://www.kdhe.ks.gov/757/Construction-Stormwater-Program>. A Stormwater Pollution Prevention Plan (SWP2) is required by the above-described permit and a copy shall be maintained and available at the site for inspection while also being available for submittal as requested by KDHE BWPC.
- 5) CCT Holdings Kurt Terlip. shall avoid or control the discharge of toxic substances, oil and grease and other fluids from riparian activities, so that the project does not cause:
 - a. Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].

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- b. Surface waters of the state within and below the project area to have toxic substances, radioactive isotopes, and infectious microorganisms in concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife or aquatic or semi-aquatic life [K.A.R. 28-16-28e(b)(2)].
 - c. Any surface waters of the state within and below the project area to have a visible oil and grease film or sheen on the water surface or on submerged substrate or adjoining shore lines, nor have a sludge or emulsion deposit below the water surface of adjoining shorelines [K.A.R. 28-16-28e(b)(5)].
 - d. Any surface waters of the state within and below the project to contain taste and odor producing substances at concentrations which interfere with the production of potable water by conventional water treatment processes, impart an unpalatable flavor to edible aquatic or semi-aquatic life or terrestrial wildlife or that result in noticeable odors in the vicinity [K.A.R. 28-16-28e(b)(7)].
 - e. The concentration of dissolved oxygen in Neosho River to be lower than 5.0 mg/L, Kansas Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - f. The pH in Neosho River to be below 6.5 or above 8.5 including effects by concentrations of toxic substances. Refer to Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - g. Concentrations of toxic substances listed in Tables 1a, 1b, and 1c [K.A.R. 28-16-28e(d)] in Neosho River to exceed the criteria set out in said tables [K.A.R. 28-16-28e(d)(2)(D) and K.A.R. 28-16-28e(d)(4)(B)] found at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - h. In Neosho River harmful concentrations of any substance alone or in combination with other substances causing toxic, carcinogenic, teratogenic, or mutagenic effects in humans [K.A.R. 28-16-28e(d)(3)(C)] found at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
 - i. Except as provided in paragraph (d)(3)(B), the criteria listed in table 1a of the “Kansas surface water quality standards: tables of numeric criteria” for domestic water supply use shall not be exceeded at any point of domestic water supply diversion. [K.A.R. 28-16-28e(d)(3)(A)(C)]
- 6) CCT Holdings Kurt Terlip., shall avoid or control the discharge of plant nutrients from fertilizer application or restorative vegetative treatment so that the project does not cause:
- a. Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].

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- b. Surface waters of the state within and below the project area to have toxic substances, radioactive isotopes, and infectious microorganisms in concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife or aquatic or semi-aquatic life [K.A.R. 28-16-28e(b)(2)].
 - c. Any surface waters of the state within and below the project area to have a visible oil and grease film or sheen on the water surface or on submerged substrate or adjoining shorelines, nor have a sludge or emulsion deposit below the water surface of adjoining shorelines [K.A.R. 28-16-28e(b)(5)].
 - d. The pH in Neosho River to be below 6.5 or above 8.5 including effects by concentrations of toxic substances. Refer to Surface Water Quality Standards [K.A.R. 28-16-28e(d)] found in Table 1g of the Tables of Numeric Criteria at: <https://www.kdhe.ks.gov/1379/Policy-Planning-Standards-Unit>.
- 7) CCT Holdings Kurt Terlip. shall avoid or control the discharge of Escherichia-coli bacteria from the project site (via poor housekeeping, sanitation etc.) into Neosho River so that the project does not cause the Escherichia-coli bacteria concentration to exceed the geometric mean of colony forming units (CFUs) 262 CFUs- Apr. 1 – Oct. 31 and Nov. 1 – Mar. 31- 2358 CFUs. per KAR 28-16-28e(d)(7) found in Table 1i of the Tables of Numeric Criteria at <https://www.kdheks.gov/tmdl/kswqs.htm>.
- 8) CCT Holdings Kurt Terlip. shall prepare a **written project water quality protection plan (PWQPP) to address conditions 3. through 7. above:**
- a. **If one or more acres are disturbed the Stormwater Pollution Prevention (SWP2) Plan per Condition 4. will suffice as the PWQPP. It should be kept on site through the duration of the project.**
 - b. **This SWP2 should include the following BMPs to further protect Neosho River.**
 - i. Fertilizer application and riparian areas: Fertilizer application for temporary erosion control on the construction site shall be done in a manner that does not allow it to leave the treated area.
 - ii. Erosion and sediment control: Maintain practices to minimize or avoid soil loss and sedimentation.
 - iii. Solid Waste: All waste materials produced by the construction project shall be disposed of in accordance with the provisions of the Kansas solid waste management statutes and regulations (K.S.A. 65-3401 and K.A.R. 28-29-1 et. seq.) or applicable local rules. Good housekeeping including personal refuse such as food containers, sacks etc. shall also be addressed.
 - iv. Construction shall be done in a manner that avoids downstream bank instability.

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- v. Floating Debris: The applicant shall take appropriate measures to capture any floating debris released to surface waters as a result of this project.
 - vi. Fuels, Chemicals and Maintenance Areas: All fuels and chemicals necessary to complete the project shall be stored in such a manner that accidental spillage is minimized or can be temporarily contained before reaching the water body. Equipment maintenance areas shall also be located in this manner.
 - vii. Spills: Should a spill of fuel or discharge of pollutants occur the local emergency staff should be contacted first by dialing 911. The Kansas Department of Health and Environment shall then be notified immediately: (785) 291-3333-Option 1 for response. Hazardous materials spills and air releases that meet federal reportable quantities must also be reported to Kansas Division of Emergency Management: (785) 291-3333- Option 2. (24 hours a day.) These incidences should also be reported to the National Spill Response Center at 1-800-424-8802. A Spill Prevention and Response Plan should be prepared.
- 9) This certification does not relieve CCT Holdings Kurt Terlip. of their responsibility for any discharge into waters of the state. The Kansas Department of Health and Environment retains the option of revoking or revising this certification any time an inappropriate discharge may occur. As provided by K.S.A. 65-171(f), failure to comply with the conditions of this certification may subject the responsible party to fines up to \$10,000 per violation with each day the violation occurs constituting a separate violation.
- 10) If CCT Holdings Kurt Terlip. believes complying with the conditions of this water quality certification will be economically unfeasible, they can seek a variance. Entities or persons seeking a variance from any of the requirements indicated above shall submit to the secretary, in writing, a request for the variance and shall provide information and data relevant to the variance request for KDHE's review and consideration for approval while adhering to WQS (KAR 28-16-28b to 28-16-28h).

Finally, questions concerning this certification may be directed to Mr. Scott Satterthwaite, 785-296-5573 or by email to: Scott.Satterthwaite@ks.gov.

Sincerely,



Scott L. Satterthwaite, M.S.

Environmental Specialist, KDHE B.E.F.S

ECc: KDHE: SEDO, Hook
Regulatory.kanasstate@usace.army.mil



Kansas Forest Service Policy for Environmental Coordination Act Permits

Under the Water Projects Environmental Coordination Act, the Kansas Forest Service (KFS) is responsible for reviewing permit applications from the Kansas Department of Agriculture, Division of Water Resources to determine if projects adversely affect critical forest resources.

Due to the large volume of permits we are unable to review them all. For this reason we request the Division of Water Resources to share this document with all people applying for ECA

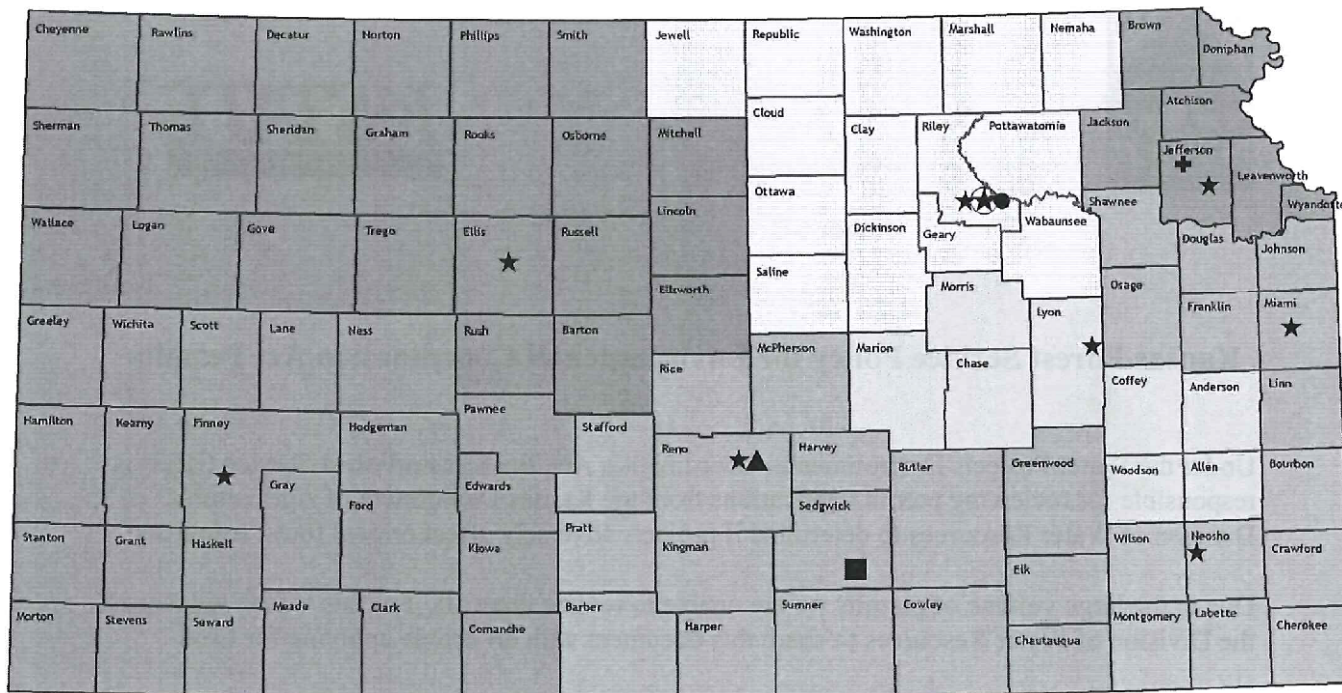
There is 2.2 million acres of forestland in Kansas and a significant percent is riparian forest that borders streams and rivers providing important water quality, soil conservation, wildlife habitat, recreational and wood product benefits to the people of Kansas.

Each year we lose a million acres of forestland to development in the United States (Ralph Alig, USDA FS Pacific NW Research Station). This generally occurs in small patches which often seem insignificant, but collectively degrades our quality of life.

If your project contributes to the conversion of forestland to another land use that exceeds an acre in size, the Kansas Forest Service requests that you consider mitigating the damage by planting at least 435 native trees per acre on a site of similar ecological value.

Kansas Forest Service foresters are available to assist with preparing tree planting plans at no charge and can also advise on financial incentives programs to help cover project expenses. Foresters contact information may be found on the back of this sheet. You are also invited to check out the KFS web site (www.kansasforests.org) for additional information.

Kansas Forest Service - State and District Offices



★ STATE OFFICE PERSONNEL:

Kansas Forest Service
 2610 Claflin Road
 Manhattan, KS 66502
 785-532-3300; Fax: 785-532-3305
 Larry Biles - State Forester
 Bob Atchison - Rural Forestry Coordinator
 Jarran Tindle - Water Quality Forester
 Darci Paull - GIS Specialist
 Mark Haller - Conservation Specialist
 Ryan Armbrust - Forest Health/Conservation Forester
 Aaron Yoder - Agricultural Technician
 Jason Hartman - Fire Protection Specialist
 Ross Hauck - Fire Management Coordinator
 Eric Ward - Excess Property Manager
 Jennifer Williams - Communications Coordinator
 Annie Cummings - Conservation Program Associate
 Kylie Rethman - Administrative Specialist
 Aimee Hawkes - Accountant
 Bob Duncan - Equipment Mechanic Specialist
 Terry Fleming - Equipment Mechanic

▲ STATEWIDE
 Fire Training Specialist
 Rodney Redinger
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✚ STATEWIDE
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● STATEWIDE
 Watershed Forester
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 jdklempa@ksu.edu

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 kbomberg@ksu.edu

■ Community District Forester
 Community Forestry Coordinator
 Tim McDonnell
 1901 E. 95th Street South
 Haysville, KS 67060
 316-788-0492, ext 202
 tmcdonne@ksu.edu



Updated: 9/1/2017

6425 SW 6th Avenue
Topska, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Jennie Chinn, Executive Director

MEMORANDUM

To: ECA Permit Applicant
From: Kansas State Historical Society
Bob Hoard, State Archeologist
Re: Historic and Prehistoric Cultural Resources

Because of time and budget constraints, the Kansas State Historical Society has elected to waive review of permit applications under the Water Projects Environmental Coordination Act (KSA-82a-325 *et seq.*). However, digging, grading, and other types of construction activities may reveal the presence of buried historic and/or prehistoric archeological sites or artifacts within your project area. If archeological materials are encountered during construction, please contact me at 785-272-8681 ext. 269 or by email at bhoard@kshs.org and do not further disturb the site. If the materials appear to be significant, we may ask for the opportunity to document or salvage them.

In the event human burials or remains are encountered, the Kansas Unmarked Burial Sites Preservation Act (KSA 75-2741 through 75-2754) requires the finder to immediately report these discoveries to the local law enforcement agency. If the remains are not the result of criminal activity, their fate will be determined by the Unmarked Burial Sites Preservation Board. Encountering an unmarked burial does not necessarily stop a project. Discussion with the Board may lead to modification of the project, and in some cases the burial is removed and the project allowed to proceed. Human burials and associated artifacts must not be further disturbed after their discovery, until law enforcement officials or the Unmarked Burial Sites Preservation Board has determined the appropriate action. The Unmarked Burial Sites Preservation Act provides substantial penalties for intentionally disturbing human burials and grave goods, whether located on public or private property. If you find a bone that you suspect may be human, leave it where it is and get expert help to identify it. The county coroner, a medical doctor, or an archeologist can help.

What to Look For

Archeological sites from the historic and prehistoric periods may be buried. Prehistoric sites can be recognized by the presence of discolored earth, bones, stone tools (arrow heads, knives, scrapers), stone flakes (thin, sharp edged pieces of stone produced when making chipped stone tools), burned stones, and pieces of coarse, unglazed pottery. Stone flakes are the most commonly found artifact.

Historic period sites can be recognized by the presence of stone, brick, or concrete foundation walls, or concentrations of these materials. Many of the items used in historic times are similar to those used today. Bottles, cups, tin cans, buckets, hand tools, glass fragments, and other items can be easily recognized. If you are unsure of the significance of what you have found, contact my office.

Thank you for assisting in preserving the archeological heritage of Kansas.

These actions do not constitute compliance with Section 106 of the National Historic Preservation Act. If this project receives federal funding, licensing, permitting or assistance you must contact the State Historic Preservation Office (785-272-8681 ext. 240) prior to construction for a review of the undertaking under federal law.