

HRAOK, Inc.

Engineering · Surveying · Planning · Landscape Architecture

April 10, 2009

Mr. Marcus Ware – Project Manager
USACE Tulsa District Regulatory Office
1645 S. 101st East Avenue
Tulsa, Oklahoma 74128

RE: 111th & 145th Development Area located in Section 27, Township 18 North, Range 14E
East of the Indian Base and Meridian, City of Broken Arrow, Tulsa County, State of
Oklahoma

Dear Marcus,

HRAOK, Inc. is currently providing engineering and surveying services for a development area in Broken Arrow. We have reviewed the county quad maps and determined that a jurisdictional review is necessary to proceed based on previous dealings with you on other projects. As per our recent phone conversation please find attached the existing and proposed project data for this site.

I have enclosed the existing conditions layout (Exhibit A), conceptual plan no. 1 showing proposed development options for the site, conceptual plan no. 2 with concrete lined ditch and the proposed final designed “mitigated” plan for your review (Exhibit B). In addition, I have attached a cover sheet for the City of Broken Arrow proposed roadway improvements currently in final design and being bid for construction very soon along with a complete set of the plans for the proposed “mitigated” alternate we have selected to reduce the impacts to this area.

Dunham Two and Quapaw Investments, LLC purchased the property with the intention of development possibilities that worked with the surrounding community, meets required zoning guidelines of the City of Broken Arrow, is aesthetically pleasing to users and visitors alike, and as with all developments, one that is economically viable to provide. Dunham Two and Quapaw Investments, LLC had intended to fully develop the area, while maximizing it's prime commercial intersection hard corner. Upon investigation into the classification of “regulated waters”, and the loss of 1,850 linear feet of ephemeral stream, we have modified our previous plans to maintain a more natural approach with a natural lined channel versus fully enclosing the stream in a concrete box as shown on the original concept no. 1. Due to the re-channelization and loss of existing stream in the area we have also revised the channel option from full concrete bottom to a grass lined channel which would mitigate the loss in a natural setting than providing a hard line bottom.

Dunham Two and Quapaw Investments, LLC agrees to plant a total of 185 trees (native type) with a diameter of 3" or larger in the areas around the proposed channel. These trees will replace approximately 185 trees, 3" diameter or larger being removed from the existing channel area. After discussion with the Corps of Engineers previously, related to recommendations of planting trees 1" in diameter at a 3:1 ration it was determined that a larger diameter tree could be planted in a ratio of approximately 1:1.

The following types of trees will be used for the mitigation as described above:

Recommended Trees:

Quercus shumardi-Shumard Oak

Quercus accutissima-Sawtooth

OakUlmus parvifolia-Lacebark Elm

Fraxinus American-Autumn Purple White Ash

Koelreuteria paniculata – Golden Raintree

Acer truncatum-Shantung Maple

Cercis Canadensis-Redbud

Downy Seviceberry (Amelanchier arborea)

Roughleaf Dogwood (Cornus drummondii)

Dunham Two and Quapaw Investments, LLC also agrees to mark significant trees around the upper banks of the channel areas that will shade the channel and which can be saved/avoided during the clearing/grading portion of the site development. This process will be handled during construction and once the upper banks of these channels are staked in the field.

Another matter requiring information is that of the American Burying Beetle. HRAOK, Inc. has reviewed the US Fish & Wildlife summary of previous studies done in Tulsa County from the link provided by the Corps of Engineers by email.

<http://www.fws.gov/southwest/es/oklahoma/beetle1.htm>

Databases Surveys

- Database of presence/absence surveys conducted in Oklahoma for the American burying beetle (copy attached)

This study shows two Burying Beetle surveys within a 5 mile range of our site within the last 12 months with no known beetle count. Therefore, a beetle study will not be required for this site.

Upon completion of the mitigation as stated above, HRAOK, Inc. will contact the US Army Corps of Engineers to allow review of mitigation as requested.

Due to the roadway widening on 145th and 111th our client proposes to coordinate it's work concurrently with the City's roadway improvements in order to improve this area for future commercial growth that is anticipated in a near fully developed area of Broken Arrow. We have submitted all information to the City of Broken Arrow for review and earth change issuance and want to coordinate those efforts with your approval.

Please let me know as soon as possible your findings on this matter. If you would like to make a site visit to review these details we would be glad to do so. We are prepared to begin construction in approximately one month. If you need additional information please let me know.

Sincerely,
HRAOK, Inc.

A handwritten signature in black ink, appearing to read "Barrick Rosenbaum", written over a horizontal line.

Barrick Rosenbaum, P.E.
Vice President

Nationwide Permit 39
Commercial and Institutional Developments

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, stormwater management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, Government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, new ski areas, or oil and gas wells is not authorized by this NWP. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300-linear-foot limit is waived in writing by the District Engineer (DE). This Nationwide Permit (NWP) does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification (PCN) to the DE prior to commencing the activity. (See General Condition (GC) 27.)

This NWP is authorized pursuant to Section 404(e) of the Clean Water Act (CWA) (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 et seq). The effective date for this NWP (33 CFR 330), GCs, and definitions is March 19, 2007, as published in the Federal Register. The NWP, GCs, and definitions expire on March 18, 2012.

General Conditions

1. Navigation.

- a. No activity may cause more than a minimal adverse effect on navigation.
- b. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- c. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the CWA).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and stormwater management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Flood Plains. The activity must comply with applicable Federal Emergency Management Agency (FEMA) approved State or local flood plain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety, and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service (USFWS)).
16. Tribal Rights. No activity or its operation may impair reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
17. Endangered Species.
- a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
 - b. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.
 - c. Non-Federal permittees shall notify the DE if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The DE will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.
 - d. As a result of formal or informal consultation with the USFWS, the DE may add species-specific regional endangered species conditions to the NWPs.
 - e. Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the National Marine Fisheries Service (NMFS), both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.
18. Historic Properties.
- a. In cases where the DE determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

b. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees must provide the DE with the appropriate documentation to demonstrate compliance with those requirements.

c. Non-Federal permittees must submit a PCN to the DE if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the PCN must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The DE shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the DE shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the DE either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

d. The DE will notify the prospective permittee within 45 days of receipt of a complete PCN whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA Section 106 consultation is required and will occur, the DE will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

e. Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally, significantly, or adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on Tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters (CRW). The CRW include State natural heritage sites, and outstanding National resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the DE after notice and opportunity for public comment. The DE may also designate additional CRW after notice and opportunity for comment.

a. Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, CRW, including wetlands adjacent to such waters.

b. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with GC 27, for any activity proposed in the designated CRW including wetlands adjacent to those waters. The DE may authorize activities under these NWPs only after it is determined that the impacts to the GC will be no more than minimal.

20. Mitigation. The DE will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

a. The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

b. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

c. Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require PCN, unless the DE determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require PCN, the DE may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in

minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

d. For losses of streams or other open waters that require PCN, the DE may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

e. Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

f. Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the DE may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the DE will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the DE may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

g. Permittees may propose the use of mitigation banks, in-lieu fee arrangements, or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

h. Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 water quality certification (WQC) must be obtained or waived (see 33 CFR 330.4(c)). The DE or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. Any issued 401 WQC is attached.

22. Coastal Zone Management. In coastal States where an NWP has not previously received a State coastal zone management consistency concurrence, an individual State coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The DE or a State may require additional measures to ensure that the authorized activity is consistent with State coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State, Indian Tribe, or EPA in its Section 401 WQC, or by the State in its Coastal Zone Management Act consistency determination.

24. Use of Multiple NWPs. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre.

25. Transfer of NWP Verifications. If the permittee sells the property associated with a NWP verification, the permittee may transfer the NWP verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the NWP verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this NWP are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this NWP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

26. Compliance Certification. Each permittee who received NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded to the Corps with the NWP verification letter and will include:

- a. A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- b. A statement that any required mitigation was completed in accordance with the permit conditions; and
- c. The signature of the permittee certifying the completion of the work and mitigation.

27. PCN.

a. Timing. Where required by the terms of the NWP, the prospective permittee must notify the DE by submitting a PCN as early as possible. The DE must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the DE will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the DE. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the DE that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) If 45 calendar days have passed from the DE's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to GC 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to GC 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the ESA (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the DE issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of PCN: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the DE to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided, results in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the ESA; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may

be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the NHPA.

c. Form of PCN: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this GC. A letter containing the required information may also be used.

d. Agency Coordination:

(1) The DE will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring PCN and for other NWP activities requiring PCN to the DE that result in the loss of greater than 1/2 acre of waters of the United States, the DE will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or State offices (USFWS, State natural resource or water quality agency, EPA, SHPO, THPO, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the DE notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the DE will wait an additional 15 calendar days before making a decision on the PCN. The DE will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The DE will indicate in the administrative record associated with each PCN that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The DE will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the DE will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of PCNs to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the DE will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

e. DE's Decision: In reviewing the PCN for the proposed activity, the DE will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The DE will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the DE determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the DE will notify the permittee and include any conditions the DE deems necessary. The DE must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the DE will expeditiously review the proposed compensatory mitigation plan. The DE must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the DE to be minimal, the DE will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the DE determines that the adverse effects of the proposed work are more than minimal, then the DE will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the DE determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the

minimal level. When mitigation is required, no work in waters of the United States may occur until the DE has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Further Information

1. The DEs have authority to determine if an activity complies with the terms and conditions of a NWP.
2. The NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. The NWPs do not grant any property rights or exclusive privileges.
4. The NWPs do not authorize any injury to the property or rights of others.
5. The NWPs do not authorize interference with any existing or proposed Federal project.

**Section 401 Clean Water Act (CWA) Water Quality Certification (WQC)
For Nationwide Permits (NWP) Under Section 404 CWA In Oklahoma**
June 1, 2007

The Oklahoma Department of Environmental Quality (ODEQ) conditional WQC pursuant to Section 401 CWA dated May 11, 2007, was determined as follows:

The following five standard conditions are applicable to all issued NWPs

1. All spills of fuel or other pollutants in excess of 5 gallons shall be reported to the ODEQ, within 24 hours, to the pollution prevention hotline at 1-800-522-0206.
2. All fueling and servicing of vehicles and equipment shall be done above the Ordinary High Water Mark (OHWM).
3. Permittee shall provide access to the property for ODEQ inspection purposes.
4. Any material and fuels used in the project shall be stored and/or stockpiled above the OHWM and shall be removed from a likely flood zone prior to any predicted flood.
5. If a stormwater discharge permit for construction activities is required, one can be obtained from the ODEQ at (405) 702-8100.

NWPs 34 and 48 are denied in all waterways. NWP General Condition 19 does not allow discharges in Critical Resource Waters (CRWs) under NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, or 44. Tulsa District regional conditions require a PCN in all CRWs. See the back of this sheet for details.

Coordination of Pre-Construction Notifications (PCN): For activities under NWPs 19, 20, 23, 27, 33, or 37, located in CRWs; the PCN and other project information will be provided to the ODEQ for a 10-day review opportunity. If notified within the review period of ODEQs intent to comment, the Corps will wait an additional 5 days prior to verification of the NWP.

The Corps has determined that the ODEQ denial of WQC for NWPs 3, 13, 18, 41, 45, 46, 47, in CRWs; and 16, 49 and 50, in all waters, is **not** acceptable. Therefore, the Tulsa District will review requests for authorization of work under NWPs 3, 13, 18, 41, 45, 46, 47, in CRWs; and 16, 49 and 50, in all waters, and determine if issuance of a NWP is warranted. If so, a NWP will be issued provisionally. The permittee will be referred to ODEQ to obtain an individual WQC for the work. Work under the NWP could not begin until individual WQC is obtained from ODEQ.

Note 1: This WQC supersedes all previous WQCs for NWPs in the State of Oklahoma.

Note 2: Outstanding Resource Waters (ORWs), ORWs watersheds, and High Quality Waters as designated by Oklahoma have been designated as CRWs by the Corps and are thus subject to NWP General Condition 19. A complete list of CRWs is available on the Corps website:
<http://www.swt.usace.army.mil/permits/NPP.cfm>

Note 3: WQC is not required for the following NWPs issued under the sole authority of Section 10 of the Rivers and Harbors Act of 1899: 1, 2, 8, 9, 10, 11, 24, 28, and 35.

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Barrick Rosenbaum, HRAOK, Inc.	File Number: 2009-116	Date: 29-Jun-2009
Attached is:		See Section below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
☐	PERMIT DENIAL	C
☒	APPROVED JURISDICTIONAL DETERMINATION	D
☐	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Marcus A. Ware
1645 South 101st E. Ave
Tulsa, OK 74128-4629
Telephone 918-669-7403

If you only have questions regarding the appeal process you may also contact:

Mr. James Gilmore
Appeals Review Officer (CESWD-ETO-R)
U.S. Army Corps of Engineers
1100 Commerce Street, Room 8E9
Dallas, TX 75242-0216
Telephone 214-767-2457

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or authorized agent.

Date:

Telephone number:

PERMITTEE COMPLIANCE CERTIFICATION

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign and complete this certification form and return it to the address on the reverse side within 30 days of completion of the work.

PERMIT NO.: 2009-116 111th and 145th Project

USACE PROJECT MANAGER: Mr. Marcus Ware

PERMITTEE NAME: Mr. Barrick Rosenbaum, HRAOK, Inc.

DATE OF ISSUANCE: June 29, 2009

----- (fold here so that address shows on outside) -----

(Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.)

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

SIGNATURE OF PERMITTEE

DATE

DATE WORK COMPLETED: _____

----- (fold here and tape closed) -----

(FOR AGENCY USE ONLY - DO NOT WRITE BELOW THIS LINE)

PROJECT MANAGER: Mr. Marcus Ware

RECEIVED IN CESWT-PE-R: _____

INSPECTION NEEDED: Y / N

FINAL INSPECTION SCHEDULED: _____

PERMITTEE CONSTRUCTION SCHEDULE WORKSHEET

* MAIL TO ADDRESS ON REVERSE WITHIN 30 DAYS OF "DATE OF ISSUANCE"

PERMIT NO.: 2009-116 111th and 145th Project

USACE PROJECT MANAGER: Mr. Marcus Ware

PERMITTEE NAME: Mr. Barrick Rosenbaum, HRAOK, Inc.

DATE OF ISSUANCE: June 29, 2009

----- (fold here so that address shows on outside) -----

Please provide the following information:

Anticipated/Known Construction Start Date: _____

Anticipated Completion Date: _____

I have read and understand the obligations and requirements of this authorization.

SIGNATURE OF PERMITTEE

DATE

----- (fold here and tape closed) -----

(FOR AGENCY USE ONLY - DO NOT WRITE BELOW THIS LINE)

PROJECT MANAGER: Mr. Marcus Ware

RECEIVED IN CESWT-PE-R: _____

INSPECTION NEEDED: Y / N

CONSTRUCTION INSPECTION SCHEDULED: _____

FINAL INSPECTION SCHEDULED: _____

NOTICE OF RESTRICTION

STATE OF _____)
)
COUNTY OF _____)

KNOW ALL MEN BY THESE PRESENTS THAT:

The _____, ex rel, _____, is the owner of all that real property more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter the Property). The Property is subject to a U.S. Army Corps of Engineers (USACE) Section 404 Permit No. _____, and/or any revision thereof. Any purchaser of all or any part of the Property, or any person having an interest in or proposing to acquire an interest in all or any part of the Property, or any person proposing to develop or improve all or any part of the Property, is hereby notified of the following development restriction affecting the Property. As a condition to the aforementioned USACE permit the following restrictions apply to the Property:

1) The Property is hereby dedicated as a aquatic ecosystem preserve [or "stream and stream buffer preserve" or "wetland preserve"] for the purpose of providing aquatic resource [or "stream" or "wetland"] mitigation and may not be disturbed without first obtaining a revision to the aforementioned USACE permit. Activities within the Property prohibited by this dedication include, but are not limited to, grazing of livestock, haying, cropping, and commercial timber harvesting. Land clearing, filling or draining, and other vegetation and soil disturbing activities are prohibited except as required to accomplish the mitigation site goals and objectives.

2) This restriction may not be removed or revised without obtaining a modification of the aforementioned USACE authorization and/or prior written approval of the USACE. Permit revisions can be granted only by USACE, Tulsa District, Regulatory Branch, Tulsa, Oklahoma.

This notice of restriction does not grant any property rights or exclusive privileges.

EXECUTED this ____ day of _____, 200__.

APPROVED AS TO FORM
AND LEGALITY

Name
Counsel

Name
Position
Company

STATE OF _____)
)
COUNTY OF _____)

Before me, the undersigned, a notary public within and for the above named State, on this _____ day of _____, 199__, personally appeared (name) to me known to be the (position) of the (company), and the identical person who executed the within and foregoing instrument, and acknowledged to me that he/she executed the same in his/her capacity as _____ of _____, as his/her free and voluntary act and deed, and as the free and voluntary act and deed as such _____ of _____, for the purposes therein set forth.

Witness my hand and seal the day and year above written.

My Commission Expires: _____



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1646 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

June 29, 2009

Regulatory Office

Mr. Barrick Rosenbaum
HRAOK, Inc.
1913 W. Tacoma, Suite A
Broken Arrow, OK 74012

Dear Mr. Rosenbaum:

Please reference your email of April 15, 2009, concerning a commercial development at West Florence (E. 111th Street South) and South Aspen (S. 145th E. Ave). The proposed project is located in the Southwest 1/4 of Section 27, Township 18 North, Range 14 East, in Broken Arrow, Tulsa, Oklahoma. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

Placement of dredged or fill material in the unnamed tributary of the Arkansas River (Aspen Creek) associated with the proposed project falls within the scope of the enclosed Nationwide Permit (NWP) for Commercial and Institutional Developments, provided the conditions therein are met. The following special conditions have been incorporated into this permit:

a. Erosion control measures, such as staked hay bales or silt screen barriers, shall be implemented and maintained during construction. Barriers shall remain in place and effective until sufficient vegetation coverage on exposed areas is established.

b. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

c. Mitigation Plan: The permittee shall implement the mitigation plan dated April 10, 2009, for construction of 2,200 linear feet of stream channel, in addition to the following:

Protection of Riparian Corridor: The permittee shall plant the trees during the appropriate planting season and take measures to ensure the survivability of each planted tree. You shall provide a monitoring report to our office no later than October 1, 2009,

for each year for 5 years after the first complete growing season. This report shall assess the condition and survival rate of the planted trees after each complete growing season. This report should include: (a) photographs of the mitigation site (b) the total number of non-surviving trees (c) the species and total number of trees being replaced. After the 5th growing season, you shall survey all trees and provide the final monitoring plan no later than October 1, 2014. The survival rate shall be 80 percent for trees. If the survival rate is less than 80 percent, you shall replace non-surviving trees to achieve the 80 percent goal.

d. Tree stakes or bands should be removed after the third year.

e. Vegetation removal involved with right-of-way (ROW) clearing shall be held to the minimum necessary to facilitate installation. ~~Removed timber should be placed into brush piles near the ROW perimeter and left undisturbed.~~ Per Email

f. Native grasses shall be planted in all disturbed areas within the boundary of the stream channel and pond.

g. The use of large native boulders shall be anchored in the straight line segment of the main stem channel to create sinuosity within the stream channel.

h. A deed restriction needs to be submitted to our agency within 60 days from the receipt of this letter. A sample deed restriction is enclosed for your convenience. The areas that need to be deed restricted are listed as "Channel and Trees to Remain". These areas should be left undisturbed and restricted from future development.

In reviewing this proposed activity, we have determined that the proposed action will have no known effect on Federally-listed endangered or threatened species or habitat critical for the survival of such species.

The issuance of NWP authorization for this project is based on an approved jurisdictional determination (JD). The unnamed tributary flows into the Arkansas River, a navigable waterway. This approved JD is subject to an optional Administrative Appeal Process (AAP). Enclosed is a copy of the "Notification of Appeal Options and Process (NAP) and Request for Appeal (RFA)" form. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

If you choose to file an appeal, no work may begin in waters of the United States or in a manner which could alter the hydrology of waters of the United States until the appeal process is concluded. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

Mr. James Gilmore
Appeals Review Officer
U.S. Army Corps of Engineers
1100 Commerce Street, Room 8E9
Dallas, TX 75242-0216
Tel: 469-487-7061
Fax: 469.487.7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 2, 2007. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter. The NWP terms and conditions are not subject to appeal. However, if you do not agree to the terms and conditions of this NWP, you have the option to apply for an individual permit for your proposed activity.

This NWP is scheduled to expire on March 18, 2012. This verification is valid until that date. It is incumbent on you to remain informed of changes to the NWPs. The Corps will issue a public notice announcing the changes as they occur. Furthermore, if you commence, or are under contract to commence, the activity before the date the NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions of this NWP.

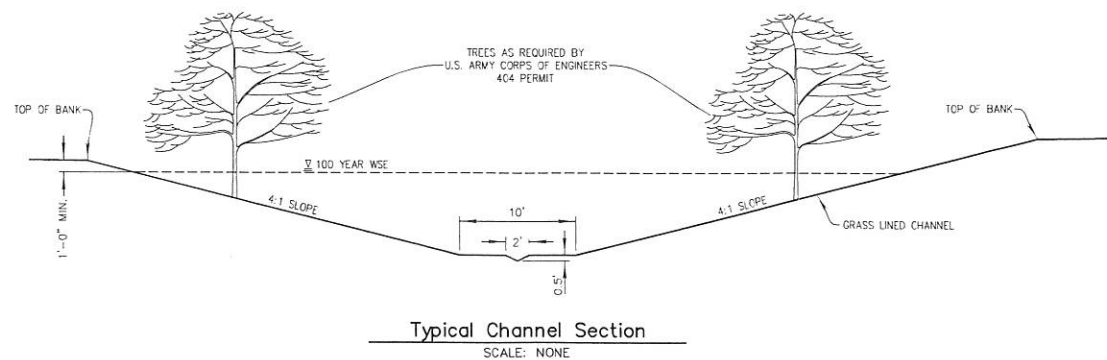
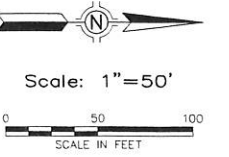
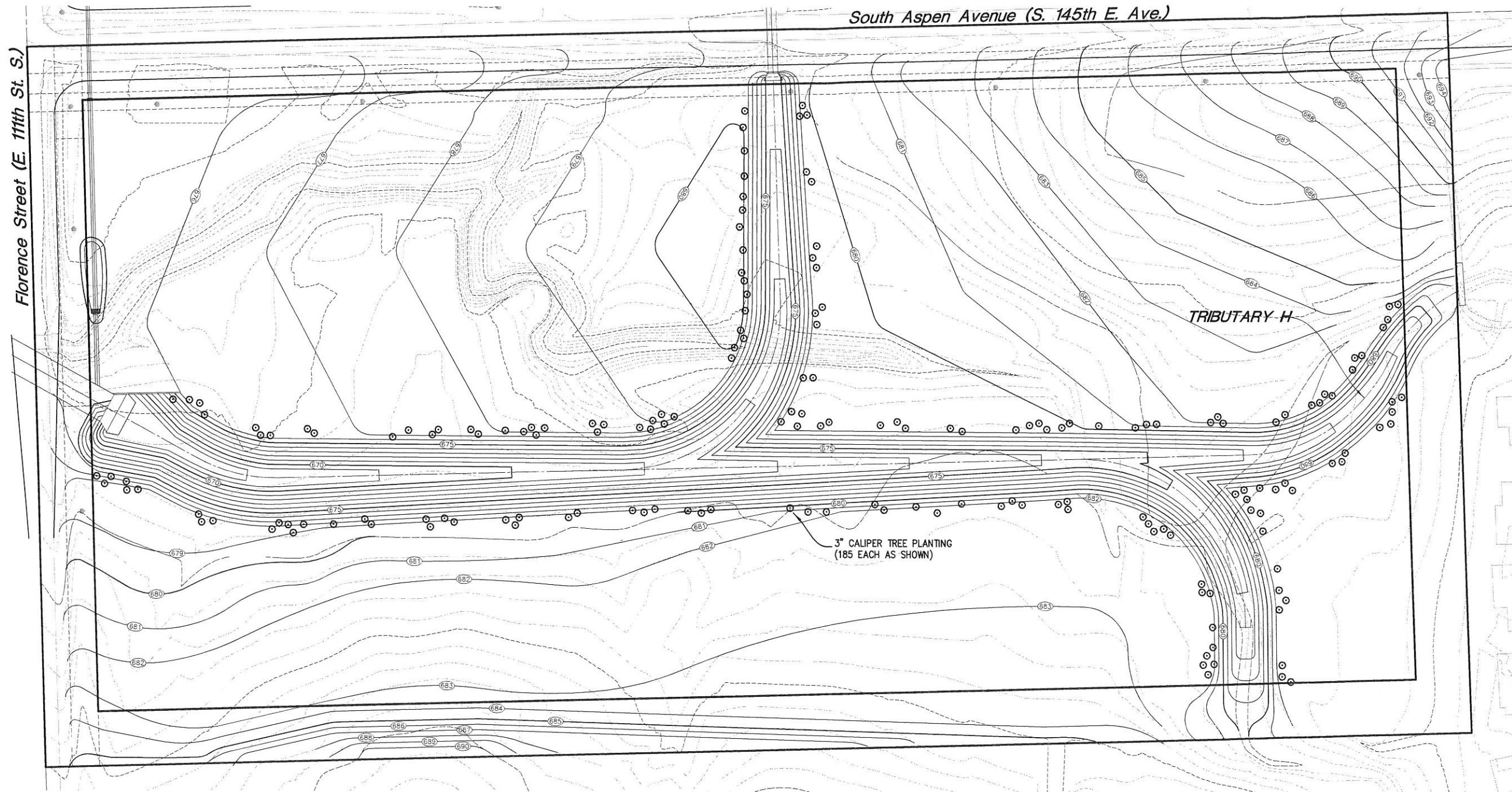
Your permit has been assigned Identification Number 2009-116. Please reference this number during any future correspondence. This Nationwide Permit expires on March 18, 2012. If you have any questions or you cannot comply with the conditions listed in the enclosed permit, please contact Mr. Marcus Ware at 918-669-7403.

Sincerely,


for: 

David A. Manning
Chief, Regulatory Office

Enclosures



Legend

- 683--- EXISTING CONTOURS
- 683--- PROPOSED CONTOURS

Exhibit 'B'
W. Florence St. and S. Aspen Ave.
Northeast Corner

Aspen Creek Main Stem

Proposed Final Plan

City of Broken Arrow, Oklahoma

PLANS AND ESTIMATE
PREPARED BY: **HRA**
1813 WEST TACOMA - SUITE A - VOICE: (918) 258-3737
BROKEN ARROW, OKLAHOMA 74012 FAX: (918) 258-2554
CAP 10643 EXP. DATE: 6-30-2009

REVISION	BY	DATE	PLAN SCALE	WG NO.: 11660	FILE: 1814.2730
			1"=50'	DRAFTED BY: BLJ	
				DATE: 3/09	
			PROFILE SCALE	RECOMMENDED	
			HORIZONTAL:	RECOMMENDED	
			VERTICAL:	RECOMMENDED	
				ENGINEERING SERVICES	ENGINEERING AND CONSTRUCTION DIRECTOR
			FILE	DRAWING	DATE
			ATLAS PAGE NO.		SHEET X OF X SHEETS

ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF BROKEN ARROW ENGINEERING DEPARTMENT SPECIFICATIONS, INCLUDING O.D.O.T. 1999 EDITION AND APPLICABLE SUPPLEMENTS.

Call Okie !

EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN. BEFORE YOU DIG, CONTACT OKLAHOMA ONE-CALL: 1-800-522-6543.

PATH: K:\11660\Exhibits\FILE: 11660ex.dwg
DATE: Apr 15, 2009 - 1:21PM