



April 18, 2008

Mr. Murray J. Balk, Chief
Surface Mining Section
Kansas Dept. of Health and Environment
4033 Parkview Drive
Frontenac, KS 66763

Re: Highway 400 Reclamation Project
Cherokee County, Kansas
KS-0552.0559
Wetland Mitigation Area

Dear Murray:

I have reviewed the information that you recently sent to the Kansas Geological Survey concerning the proposed wetland mitigation area for the proposed reclamation site titled the "Highway 400 Project", located along the Crawford-Cherokee County line. This proposed wetland mitigation site is located in areas of the S/2 of the NE/4, and the N/2 of the SE/4 of Section 20, T. 31 S., R. 24 E., Cherokee County, Kansas.

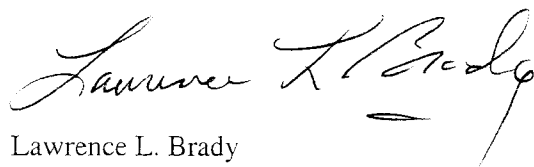
Within the area outlined on your map for wetland mitigation are areas of past strip-mining of the coal. Anticipated location of the mitigation is on past strip-mined land-previously disturbed by mining of the Mineral coal. This coal bed is part of the Cabaniss Formation of the Cherokee Group of rocks in southeastern Kansas.

The proposed reclamation efforts of the Highway 400 Project would correct physical problems created by past strip-mining of Mineral coal, while the wetland mitigation would offset the loss of the wetlands in the original project area. The Mineral coal is the most important coal strip-mined in this general area. Underlying the Mineral coal is the Scammon coal that is not mined in this area due to the thin coal bed and quality concerns of the coal. About 80 feet deeper than the Mineral coal at the proposed site is the Weir-Pittsburg coal bed that was deep-mined below portions of this proposed reclamation site and the new proposed wetland mitigation site. However, due to economic reasons, the Weir-Pittsburg coal has not been deep-mined in southeast Kansas for over 50 years.

Therefore, the potential for additional strip-mining of Mineral coal, or possible deep mining of Weir-Pittsburg coal at this proposed mitigation site should not be a concern. It is possible that some Mineral coal could be present to the east of the strip mined area on the mitigation site. However, the KGS has no drill information to indicate the presence of Mineral coal under that east area and if present the Mineral coal would probably be weathered and uneconomic. Basically, future mining should not disturb the area of your proposed mitigation effort and you should continue with your reclamation and mitigation plans.

The above discussion represents our best assessment based on the information that the Kansas Geological Survey has about this locality and/or proposed project at the time of this writing. Other geologic conditions, not discussed herein, or for which the Kansas Geological Survey has no knowledge, may affect the viability or safe operation of the reclamation of this property.

Sincerely,

A handwritten signature in cursive script, reading "Lawrence L. Brady". The signature is written in dark ink and is positioned above the printed name and title.

Lawrence L. Brady
Senior Scientific Fellow



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Division of Environment

April 11, 2008

Dr. William E. Harrison, Director
Kansas Geological Survey
University of Kansas
1930 Constant Ave. - Campus West
Lawrence, Kansas 66047-3726

Re: Highway 400 Reclamation Project
Cherokee County, Kansas
KS-0552, 0559
Wetland Mitigation Area

Dear Dr. Harrison:

The Kansas Department of Health and Environment, Surface Mining Section, previously received clearance for a reclamation project located in Sections 17 and 20, Township 31 South, Range 24 East, Crawford and Cherokee Counties, Kansas. Because wetland mitigation is required to complete the project, additional clearance is needed for the area where mitigation is to occur. Mitigation will take place on property owned by the Kansas Department of Wildlife and Parks located in the S/2 of the NE/4 and the N/2 of the SE/4 of Section 20, T31S, R24E, Cherokee County, Kansas. Please refer to the attached map for the site location(s).

Reclamation of the site is being considered by the Surface Mining Section to minimize the hazards typically associated with abandoned mining operations. A project description was previously provided that briefly discusses each area. We are requesting a letter from the Kansas Geological Survey stating whether or not it is considered likely that the area of this project will be mined in the future.

We would appreciate a reply at your earliest convenience. If you have any questions, please feel free to contact us at (620) 231-8540.

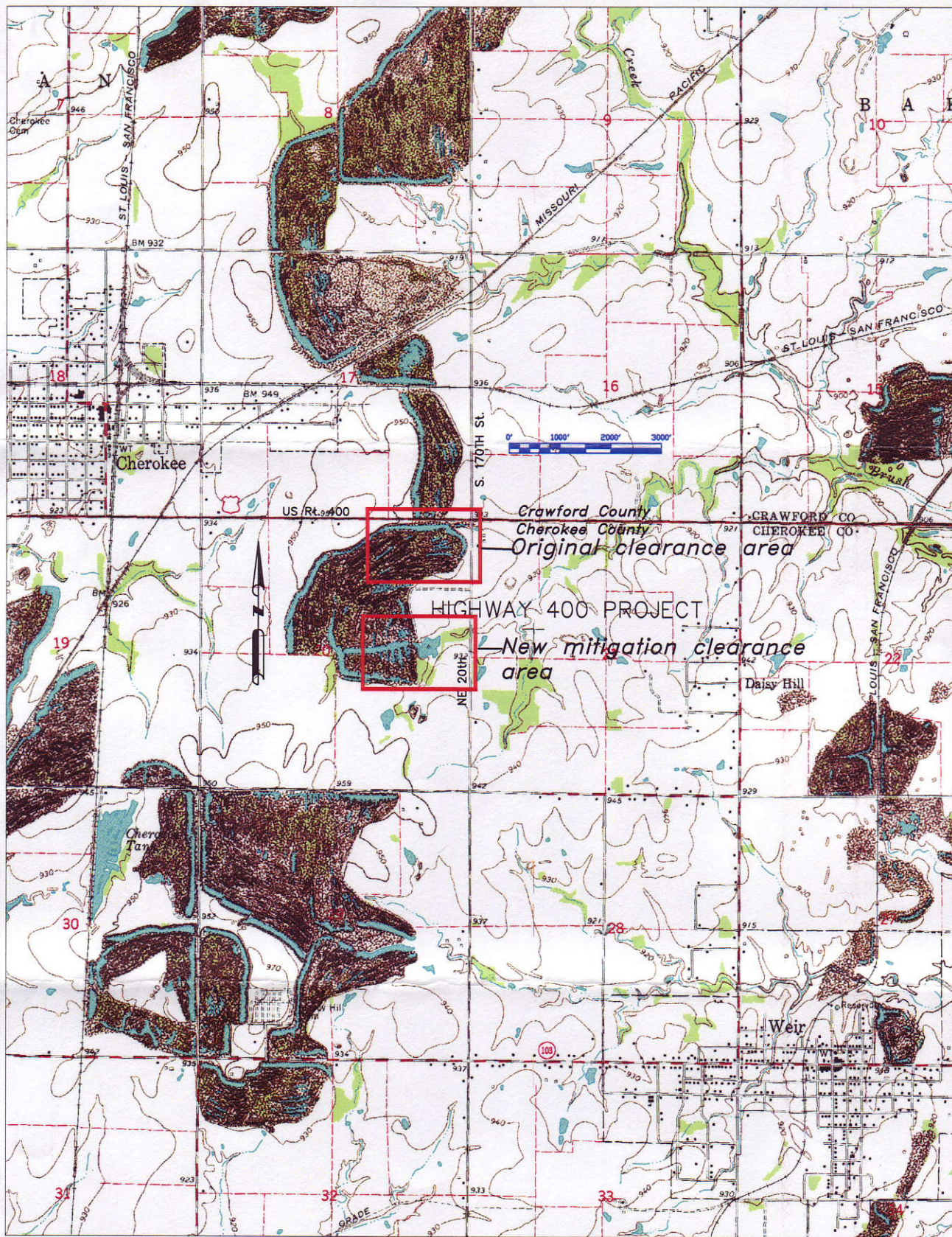
Sincerely,


Murray J. Balk, Chief
Surface Mining Section

Project file: B-6(1)

BUREAU OF ENVIRONMENTAL REMEDIATION, SURFACE MINING SECTION,
4033 PARKVIEW DR., FRONTENAC, KS 66763

Voice 620-231-8540 Fax 620-231-0753



KDHE - Surface Mining Section, Program Services

For: NEPA Agency Review

Description: Mitigation Area LOCATION MAP

Location: Sec.20 & SEC.17; T. 31 S.; R. 24 E.; Cherokee, KS Quad.

Project: HIGHWAY 400 PROJECT (KS-0552, -0559)

Date: April 10, 2008

By: MNS

Drawing: hwy400_map(cherokeeqd.dwg)