APPENDIX B

SECTION 404 PERMIT

CESWT-PE-R (1145) 18 November 2002

MEMORANDUM FOR CESWT-PE-P, ATTN: Richard Thomas

Subject: Cowskin Creek Section 205 Project, Identification Number 12539

1. This is in regard to the U.S. Army Corps of Engineers proposed Section 205 project for the City of Wichita, Kansas. The project would be located on Cowskin Creek, in the Western 1/2 of Section 29, Township 27 South, Range 1 West, Sedgewick County, Kansas.

2. The City of Wichita has developed plans to make improvements on Cowskin Creek that would alleviate flooding. The intended design is excavation along the east side of Cowskin Creek to increase its carrying capacity. The bottom elevation of this new construction would remain above the Ordinary High Water Mark (OHWM) of Cowskin Creek.

3. We have completed an evaluation of the proposal and determined that a placement of dredged or fill material will not be required, permanently or temporarily, into any "waters of the United States," including jurisdictional wetlands. Therefore, this proposal is not subject to regulation pursuant to Section 404 of the Clean Water Act, and a Department of the Army (DA) permit will not be required.

4. Should the City of Wichita desire a change in their construction method that would necessitate a discharge into Cowskin Creek, we suggest they resubmit that portion of the project so we may determine whether an individual DA permit is required. The City of Wichita needs to be informed that changes in their construction method requiring an individual permit may delay the review process an additional 90 to 120 days.

5. If you have any questions, please contact Mr. Jeff Knack at 918-669-4904.

Jeff Knack For

Larry D. Hogue, P.E.
Chief, Planning, Environmental,
and Regulatory Branch