



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Secretary

---

March 15, 2002

Mr. Lawrence Cavin  
Attention: Mark Frazier  
Regulatory BR/Operations Division  
U.S. Army Corps of Engineers  
700 Federal Building  
Kansas City, MO 64106-2896

RE: Kansas Clean Water Act Section 401 Certification for Section 404 of the Clean Water Act Nationwide Permits issued by the U.S. Department of Army Corps of Engineers, Per Public Notice issued January 15, 2002, Part II of the Federal Register (67FR 2020- 2095.)

Mr. Cavin:

Per your request for the Kansas Section 401 Water Quality Certification by letter, dated January 29, 2002, we have enclosed and will email the above referenced information. Said 401 Water Quality Certification was reorganized to clarify KDHE expectations and requirements. Additions and revisions to the previous 401 certification issued May 31, 2000, included but are not limited to:

1. References to the applicant retaining 401 on site during construction
2. USACE websites with the applicable information,
3. Conditions to minimize riparian area disturbance
4. Added a statewide emergency response and technical assistance number to local, KDHE and national numbers.
5. Specific contact number for hydrostatic testing where NWP #3, #12, and #18 are applicable.

An updated map referred to in said certification was emailed to Mr. Mark Frazier and has been posted on USACE website. KDHE has added a link to the USACE Kansas City District regulatory web page.

c:\Lisa\Letters & Memos\March\2002\Cavin-M15.wpd

---

DIVISION OF ENVIRONMENT  
Bureau of Water

1000 SW Jackson, Suite 420  
(785) 296-4195

Printed on Recycled Paper

Topeka, KS 66612-1367  
FAX (785) 296-5509

Mr. Lawrence Cavin  
March 15, 2002  
Page 2

Please call me at 785/296-5567 or send email to [dsnethen@kdhe.state.ks.us](mailto:dsnethen@kdhe.state.ks.us) if I can be of any further service. Mr. Scott Satterthwaite can also be contacted in regards to this communication at 785/296-5573 or by email at [ssatert@kdhe.state.ks.us](mailto:ssatert@kdhe.state.ks.us). Thank you for your interest and assistance in protecting the waters of Kansas.

Sincerely,



Donald D. Snethen, P.E., Chief  
Watershed Management Section  
Bureau of Water

DDS/lmd

Be a clean water neighbor.

**Kansas Water Quality Certification**  
**Section 404 Nationwide Permits**  
**Kansas Department of Health and Environment**

Final: March 15, 2002

**I Authority**

This certification is prepared pursuant to Clean Water Act Section 401 and Kansas Administrative Regulation 28-16-28f(c)(1).

**II Certification**

All activities authorized by the U.S. Department of Army Corps of Engineers Nationwide Permits published January 15, 2002, are not expected to result in violations of Kansas Water Quality Standards found at Kansas Administrative Regulations 28-16-28b through 28f, provided the person conducting the Corps of Engineers authorized activity adheres to the conditions set out by this certification. Descriptions of Nationwide Permits can be found at: [www.nwk.usace.army.mil/regulatory/regulatory.htm](http://www.nwk.usace.army.mil/regulatory/regulatory.htm).

**III Limitations of this Certification:** All Section 404 activities within the borders of Indian owned and operated lands (see Attachment 1 map) are not covered by this certification. Individuals proposing projects which impact those waters are responsible for contacting the appropriate individual at the following numbers:

Prairie Band Potawatomie Indians, Planning Department, 785/966-2946

Kickapoo Tribe in Kansas, Environmental Office, 785/486-2601

Iowa of Tribe of Kansas and Nebraska, 785/595-3258

Sac and Fox Tribe of Missouri, 785/742-7471

Environmental Protection Agency Region VII Indian Lands Contact, 913/551-7539

**IV General Conditions**

1. **Certification Retainment:** The applicant shall retain this water quality certification on the project site through the duration of the project to accommodate inspection.

2. **Kansas Water Pollution Control General Permit for Stormwater Runoff from Construction Activities:** This certification does not relieve the applicant of the responsibility to determine if the project is subject to the requirements of **General NPDES Permit** to secure such permit as necessary. Questions and inquiries may be directed to:

Kansas Department of Health and Environment, Bureau of Water  
Industrial Program Section, 1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367. Phone 785/296-5549  
FAX: 785/296-5509, or <http://www.kdhe.state.ks.us/stormwater/index.html>

3. **Project Water Quality Protection Plan:** Any person wishing to use a Section 404 Nationwide General Permit shall prepare and follow a written project water quality protection plan (PWQPP.) The (PWQPP) shall identify components of the permitted activity (i.e. solid waste handling, fuel storage and leaks, sediment from construction etc.) which may or will result in the discharge of pollutants to waters of the state. For each component which may discharge pollutants to waters of the state, the plan shall set out the physical, structural and management measures to be implemented to prevent or minimize the discharge of pollutants to waters of the state.

**The permittee is required to submit the PWQPP to KDHE only if the project impacts Outstanding Natural Resource, Exceptional State or Special Aquatic Life Use Waters per condition #4 below.**

4. **Outstanding National Resource Waters, Exceptional State and Special Aquatic Life Support Use Waters:** In the event the permitted activity occurs in or within one half (1/2) mile of an Outstanding National Resource Water, defined pursuant to **K.A.R. 28-16-28b(mm)** and **K.A.R. 28-16-28c(a)B(3)**, an Exceptional State Water pursuant to **K.A.R. 28-16-28b (w)** and **K.A.R. 28-16-28c(a)B(2)**, or a Special Aquatic Life Support Use Water designated pursuant to **K.A.R. 28-16-28d(2)(A)**, **the person responsible for initiating the activity shall submit a copy of the PWQPP to the Watershed Management Section - Kansas Department of Health and Environment.** A list of **Outstanding National Resource Waters, Exceptional State and Special Aquatic Life Support Use Waters** (Attachment 1, includes map and county abbreviations) subject to this provision are listed in the Corps of Engineers Regional Conditions (see Corps of Engineers website):

**[www.nwk.usace.army.mil/regulatory/nwp\\_information/ks\\_nwp\\_regional\\_conditions.pdf](http://www.nwk.usace.army.mil/regulatory/nwp_information/ks_nwp_regional_conditions.pdf)**

The permittee should also be aware of the following Kansas water quality protection regulations associated with special waters:

**K.A.R. 28-16-28c(a)B(2)**-“Wherever state surface waters constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected.”

**K.A.R. 28-16-28c(a)B(3)**-“Wherever state surface waters constitute an outstanding national resource water existing uses and existing water quality shall be maintained and protected. New or expanded discharges shall not be allowed into outstanding national resource waters.”

5. **Solid Waste Disposal:** All solid waste materials produced during the execution of the project shall be disposed in accordance with the provisions of Kansas Solid Waste Management Statutes and regulations and applicable local regulations. Direct inquiries to KDHE, Bureau of Waste Management 1000 SW Jackson Street, Suite 320, Topeka, Kansas 66612-1366 Phone: 785/296-1600. FAX: 785/296-1592 or [www.kdhe.state.ks.us/waste/index.html](http://www.kdhe.state.ks.us/waste/index.html).
6. **Equipment Staging Areas and Project Closure:** Upon completion of the project, disturbed areas shall be expeditiously stabilized with temporary and permanent vegetation, bio-artificial ground cover or other appropriate non-polluting material. Fertilizer application to establish and maintain vegetation shall be done in a manner that will not contribute to the current nutrient load to any of the surface waters impacted by the project. The person responsible for the permitted activity shall monitor and maintain cover materials until such time as the site is stabilized. Project closure procedures shall be documented in the Project Water Quality Protection Plan per condition No. IV. 3.
7. **Riparian Areas:** Minimize removal or disturbance of riparian areas (areas adjacent to water bodies). KDHE encourages the use of vegetation consistent with adjoining vegetation materials to minimize impacts from improper handling of fertilizers and pesticides.
8. **Discharge of Floatable Materials:** Pursuant to K.A.R. 28-16-28(b)(1),(3) and (4), the person responsible for executing the permitted activity shall assure good house keeping is practiced at the site to minimize the discharge of floatable materials such as personal refuse including food containers, packing materials, and other litter. Appropriate measures shall be taken to capture and/or recover any floatable materials discharged to waters of the state originating with the permitted project.
9. **Fuel, Chemical and Materials Storage:** Fuel, chemical and other materials stored at the project site shall be stored in a manner that minimizes the discharge of product to waters of the state. Spill minimization and prevention measures and procedures shall be documented in the Water Quality Protection Plan.
10. **Spill Response and Reporting:**
  - 1.) **Spill response and cleanup:** In the event a spill of fuel, chemical or other water quality degrading materials stored or transported on the site occurs, the permittee shall or with the assistance of professional response personnel, expeditiously control or contain the spill and initiate clean up procedures. The applicant shall immediately contact 911. Spill response and cleanup actions shall be documented in the PWQPP. The applicant should also contact the appropriate Kansas Department of Health and Environment District Office (see map Attachment 2, go to [www.kdhe.state.ks.us/befs/#districts](http://www.kdhe.state.ks.us/befs/#districts) or look in your local phone directory) to confirm cleanup activities. Finally, KDHE strongly encourages the permittee to establish and post a sign that includes phone contact numbers for the appropriate local emergency response unit, KDHE district office, and the project manager/owner.

- 2.) **Reporting:** The Kansas Department of Health and Environment shall be notified of all fuel spills or unauthorized discharge of pollutants immediately. Contact KDHE at 785/296-1679, anytime for spill reporting requirements. The Kansas Adjutant Generals Office should also be contacted (785/296-8013) as well as the National Spill Response Center (1-800-424-8802 ).
11. **Drinking Water Intakes:** The person responsible for the permitted activity shall avoid adverse impacts on public water supplies. Whenever permitted activities occur within one mile upstream of a public drinking water supply - surface water intake, the applicant shall contact the official in charge of the public drinking water supply to apprise the drinking water supply official of the permitted activity. The person responsible for the permitted activity shall consider the suggestions and recommendations of the public water supply official when preparing the PWQPP.
12. **Treated Wastewater Effluent Mixing Zones:** As a general guideline any Section 404 activity within one-half (½) mile upstream or one-half (½) mile downstream of a permitted wastewater effluent discharge may impact the effluent mixing zone. The person responsible for the permitted activity shall determine if the project will adversely impact the wastewater effluent mixing zones and take appropriate measures to avoid altering or changing the mixing zone. This may include but is not limited to:

- 1) The construction or placement of a recreation oriented facility or structure (i.e. boat ramp, walkway) which may require modification of the beneficial use designation to accommodate contact or non-contact recreation, thereby increasing the effluent limitations for the permit.

- 2) Any activity which may alter or remove the stream channel geometry or natural oxygenation abilities of the stream such as bridge construction, channelization, stream channel substrate modification etc.

The person responsible for the permitted Section 404 activity shall advise and describe to the waste water discharge permittee and KDHE any potential mixing zone impacts and the measures the person responsible for the Section 404 activity will take to minimize adverse impacts on the mixing zone. Inquiries should be directed to Kansas Department of Health and Environment, Bureau of Water - Municipal Programs Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367. Phone: 785/296-5527 FAX: 785/296-5509.

## V. SPECIAL CONDITIONS FOR SPECIFIC NATIONWIDE PERMITS

1. **Nationwide Permit #7. Outfall Structures and Maintenance (construction):**  
Controls shall be in place to stabilize all areas of the bed and bank around the pipe or adjacent to the outfall structure and associated intake structures that may be affected by outfall or stream flows, respectively.

2. **Nationwide Permits #3-Maintenance; #12-Utility Line Activities; and #18-Minor Discharges (pipelines included):** Hydrostatic tests for pipeline activities shall be approved prior to discharge of water used for the test. Please contact Kansas Department of Health and Environment, Bureau of Water - Industrial Program Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367. Phone 785/296-5553 FAX :785/296-5509, to inquire.

## **VI Enforcement and Penalties**

This certification does not relieve the applicant of the responsibility for any discharge to waters of the state. The Kansas Department of Health and Environment retains the option of revoking this certification any time an inappropriate discharge may occur. As provided for by K.S.A. 65-171(f), failure to comply with the conditions of this certification may subject the responsible party to fines of \$10,000 per violation with each day the violation occurs constituting a separate violation.

## **VII Variance**

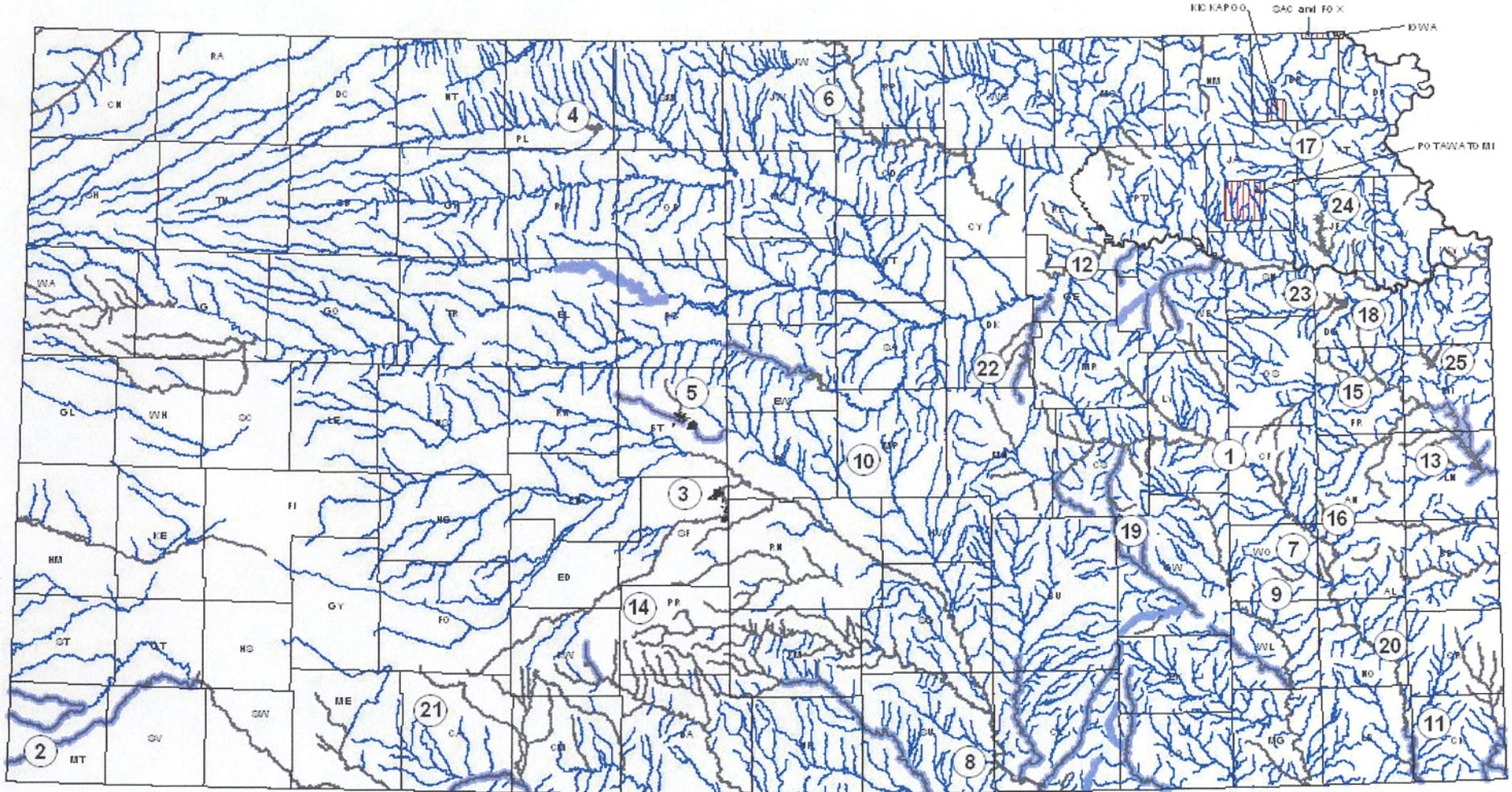
If the applicant believes the conditions of this certification will result in impairment of important social and economic development, the applicant is advised of the variance provisions of K.A.R. 28-16-28b(hhh) and K.A.R. 28-16-28f(e).

## **VIII For Additional Information**

For a copy of the Kansas Surface Water Quality Standards, Guidelines for Preparing a Project Water Quality Protection Plan. *This includes standing National Resource Waters, Exceptional State Waters and Special Aquatic Life Use Support Waters*, please contact Kansas Department of Health and Environment, Bureau of Water-Watershed Management Section at 785/296-4195 or FAX 785/296-5509. This information can also be obtained by written communication directed to:

Kansas Department of Health and Environment  
Bureau of Water - Watershed Management Section  
1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367

# OUTSTANDING NATIONAL RESOURCE WATERS, EXCEPTIONAL STATE WATERS, AND SPECIAL AQUATIC LIFE USE WATERS



- Countys
- Outstanding National Resource Waters
- Special Aquatic Life Use, Streams
- Special Aquatic Life Use, Lakes
- Exceptional State Waters, Streams
- Exceptional State Waters, Lakes
- Expected State Waters
- Tribal lands
- 1 Circled numbers refer to Appendix 1 of Kansas Water Quality Certification Section 404 Nationwide Permits KDHE 5/31/2000

List of Counties in Kansas  
(Alphabetical By Abbreviation)

AL	Allen			RS	Russell
AN	Anderson	JA	Jackson		
AT	Atchison	JF	Jefferson	SA	Saline
		JO	Johnson	SC	Scott
BA	Barber	JW	Jewell	SD	Sheridan
BB	Bourbon			SF	Stafford
BR	Brown	KE	Kearny	SG	Sedgwick
BT	Barton	KM	Kingman	SH	Sherman
BU	Butler	KW	Kiowa	SM	Smith
				SN	Shawnee
CA	Clark	LB	Labette	ST	Stanton
CD	Cloud	LC	Lincoln	SU	Sumner
CF	Coffee	LE	Lane	SV	Stevens
CK	Cherokee	LG	Logan	SW	Seward
CL	Cowley	LN	Linn		
CM	Comanche	LV	Leavenworth	TH	Thomas
CN	Cheyenne	LY	Lyon	TR	Trego
CQ	Chautauqua				
CR	Crawford	MC	Mitchell	WA	Wallace
CS	Chase	ME	Meade	WB	Wabaunsee
CY	Clay	MG	Montgomery	WH	Wichita
		MI	Miami	WL	Wilson
DC	Decatur	MN	Marion	WO	Woodson
DG	Douglas	MP	McPherson	WS	Washington
DK	Dickinson	MR	Morris	WY	Wyandotte
DP	Doniphan	MS	Marshall		
		MT	Morton		
ED	Edwards				
EK	Elk	NM	Nemaha		
EL	Ellis	NO	Neosho		
EW	Ellsworth	NS	Ness		
		NT	Norton		
FI	Finney				
FO	Ford	OB	Osborne		
FR	Franklin	OS	Osage		
		OT	Ottawa		
GE	Geary				
GH	Graham	PL	Phillips		
GL	Greeley	PN	Pawnee		
GO	Gove	PR	Pratt		
GT	Grant	PT	Pottawatomie		
GW	Greenwood				
GY	Gray	RA	Rawlins		
		RC	Rice		
HG	Hodgeman	RH	Rush		
HM	Hamilton	RL	Riley		
HP	Harper	RN	Reno		
HS	Haskell	RO	Rooks		
HV	Harvey	RP	Republic		

**APPENDIX I - LIST OF EXCEPTIONAL STATE WATERS (ESW), SPECIAL AQUATIC LIFE USE WATERS (SALU) AND OUTSTANDING NATIONAL RESOURCE WATERS (ONRW).** (Information and attached map provided by Kansas Department of Health and Environment. Bold numbers in ( ) indicate general location on attached map (5/2000) (Revised 3/2001).

**OUTSTANDING NATIONAL RESOURCES:** 1)Flinthills Wildlife Refuge, 2)Cimarron National Grasslands, 3)the summation of Quivera Big Salt Marsh and Quivera Little Salt Marsh (comprises Quivera Wildlife Area), 4) Kirwin Wildlife Refuge, 5) all waters contained within the Nature Conservancy Wildlife Preserve and Cheyenne Bottom Wildlife Area, in addition to all waters contained within particular Wildlife and Park, Wildlife Refuge, State Park, wetland or Wildlife Area.

County	*Exceptional State Waters	*Special Aquatic Life Use Waters
Allen		Little Osage River, Bloody Run, Onion Ck, Neosho River, Elm Ck. <b>WETLANDS:</b> (16) within boundaries of a point from NE corner of S34 T24 R18E, West to NW corner S35 T24 R17E, South to SW corner of S35 T24 R17E, East to SE corner of S34 T25 R18E, back north to point of origin <b>And:</b> All oxbow lakes and wetlands within NE1/4 Sec. 32 and N1/2 and SE1/4 Sec. 33, T.26S., R18E.
Anderson		Pottawatomie Ck, South Fork Pottawatomie Ck, Little Osage River, Little Indian Creek. <b>WETLANDS:</b> (15) within boundaries of a point from the NE corner of S24 T21 R19E, West to the NW corner S22 T21 R18E, South to SW corner of S22 T22 R18E, East to SE corner of S24 T22 R19E, to back north to point of origin.
Atchison		Missouri River, (17)All wetlands within S15 & S16 T6 R7E
Barber		Amber Ck, Bear Ck, Elm Ck, East Branch South Elm Ck, North Branch Elm Ck, South Branch Elm Ck, Medicine Lodge River, Mulberry Ck, Turkey Ck, two unnamed tributaries to Medicine Lodge River, unnamed tributary to Turkey Ck, Sand Ck
Barton	Blood Ck, Little Cheyenne Ck,	Arkansas River, Blood Ck, Deception Ck, Little Cheyenne Ck, <b>WETLANDS:</b> (5)Cheyenne Bottoms Preserve; designation applies to all surface waters within the Nature Conservancy wildlife preserve in Sec. 2, Sec. 10, Sec. 11, Sec. 12, Sec. 13, Sec. 14, Sec. 15, Sec. 16, Sec. 22, Sec. 34, T.18S., R.13W. and Sec. 17, Sec 18, T18S., R.12W. <b>And:</b> Cheyenne Bottoms Wildlife Area; designation applies to all surface waters within wildlife area.
Bourbon		Little Osage River, Marmaton River
Butler	Walnut River, Grouse Ck, South Fork Cottonwood River	Grouse Ck, South Fork Cottonwood River, Walnut River, Bird Ck, (19) Flinthills Tallgrass Prairie Preserve, all surface waters within the Nature Conservancy Preserve: within portions of Sect.16 and 28, T23S., R8E
Chase	Cedar Ck, South Fork Cottonwood River	Cedar Ck, Cottonwood River, South Fork Cottonwood River, Middle Ck, Cannonball Ck, Bloody Ck, Mercer Ck, Collet, Little Cedar Ck
Chautauqua	Otter Ck, Caney River	Caney River
Cherokee	Neosho River, Spring River, Shoal Ck, unnamed tributary to Shoal Ck	Neosho River, Brush Ck, Shoal Ck, Spring River, Taylor Branch Cow Ck, Turkey Ck, unnamed tributary to Shoal Ck, <b>All cave waters</b> and associated springs within that portion of Cherokee County encompassed by a line that extends from NE corner of Sec. 24, T.34S., R.25E. due

County	*Exceptional State Waters	*Special Aquatic Life Use Waters
		west to NW corner of Sec. 24, T.34S., R.24E., then due south to Kansas/Oklahoma (Sec. 13 T.35S., R.24E.), then due east to Kansas Missouri order (Sec. 13, T.35S., 25E.), then north to point of origin. <b>And: (11)All wetlands</b> within those portions of Cherokee and Labette counties encompassed by a line that extends from Kansas/Missouri border at NE corner of Sec. 24, T.31S., R.25E. due west to NW corner of Sec. 20, T.31S., R.25E., then due south to NW corner of Sec. 17, T.33S., R.25E., then due west to NW corner of Sec. 14, T.33S., R.21E., then due south to Kansas/Oklahoma border (Sec. 14, T.35S., R.21E.), then due east to Kansas/Missouri border (Sec. 13, T.35S., R.25E.), then due south to point of origin.
Cheyenne		Arikaree River, South Fork Republican River
Clark	Cimarron River, (21) St. Jacob's Well: NW1/4 SW1/4 Section 19 Township 32S Range 24W	Bluff Ck, Cavalry Ck, Cimarron River, Kiowa Ck, Middle Kiowa Ck, West Kiowa Ck, Rattlesnake Ck, (21) St. Jacob's Well, Clark State Fishing Lake
Clay		Republican River
Cloud	(6)all surface waters within Jamestown Waterfowl Management Area	Republican River
Coffey		Frog Ck, Long Ck, Neosho River, Wolf Ck, South Big Ck
Commanche	Cimarron River	Nescatunga Ck (west branch), Cimarron River, Kiowa Ck, Middle Kiowa Ck, West Kiowa Ck
Cowley	Walnut River, Grouse Ck, Beaver Ck, Otter Ck	Arkansas River, Grouse Ck, Walnut River, Spring Ck
Crawford		Brush Ck, Cow Ck, East Cow Ck, First Cow Ck
Dickinson	Lyon Ck	Lime Ck, Lyon Ck, West Branch Lyon Ck, unnamed tributary to Lime Ck, unnamed tributary to Lyon Ck, unnamed tributary to West Branch Lyon Ck, Carry Ck, (22) Herington Reservoir
Doniphan		Missouri River, Cedar Ck, Brush Ck
Douglas		Kansas River, West Fork Tauy Ck, (23) Clinton Reservoir; (18)All wetlands within Sec. 18, T.13S., R.20E. of Douglas county.
Edwards		Rattlesnake Ck
Elk	Caney River, Fall River	Grouse Ck, Fall River, Caney River
Ellis	Saline River	
Ellsworth	Smoky Hill River	
Finney		Arkansas River
Ford		Rattlesnake Ck
Franklin		Marais des Cygnes River, Pottawatomie Ck, Ottawa Ck, West Fork Tauy Ck
Geary	Lyon Ck	Lyon Ck, Republican River, Kansas River, Kings Ck and tributaries; (12)Konza Prairie Natural Area; designation applies to all surface waters within natural area.

County	*Exceptional State Waters	*Special Aquatic Life Use Waters
Grant	Cimarron River, North Fork Cimarron River	Cimarron River
Greeley		Ladder Ck
Greenwood	Fall River, West Branch Fall River, Otter Ck	Verdigris River, Fall River, West Branch Fall River, South Branch Otter Ck, (19) Flinthills Tallgrass Prairie Preserve, all surface waters within the Nature Conservancy Preserve: portions of Sect 22, T23S, R8E
Hamilton		Arkansas River
Harper	Chikaskia River	Chikaskia River
Jefferson		Kansas River, Buck Ck, (24) Perry Reservoir
Jewell		Republican River, White Rock Ck
Johnson		Kansas River
Kearny		Arkansas River
Kingman	Chikaskia River	Sand Ck, Allen Ck, Chikaskia River, North Fork Chikaskia River, Duck Ck, Silver Ck, unnamed tributary to North Fork Ninnescah River, Nester Ck, South Fork Ninnescah River, West Branch of South Fork Ninnescah River, Painter Ck, Pat Ck, Sand Ck, Smoots Ck, unnamed tributary to Smoots Ck, nine separate tributaries to South Fork Ninnescah River
Kiowa	Thompson Ck	Mule Ck, Medicine Lodge River, Soldier Ck, Thompson Ck, unnamed tributary to Thompson Ck, Kiowa Ck, Middle Kiowa Ck, West Kiowa Ck, Wiggins Ck, Rattlesnake Ck
Labette	Neosho River	Hackberry Ck, Turkey Ck
Leavenworth		Kansas River, Missouri River, Salt Ck
Lincoln		Smoky Hill River
Linn	Muddy Ck, North Sugar Ck, Big Sugar Ck, Middle Ck, Marais des Cygnes River, (13)all surface waters within Marais des Cygnes Waterfowl Area, All wetlands, oxbow lakes and classified streams within that portion of Linn County encompassed by a line that extends from Kansas/Missouri border at NE corner of Sec. 26, T.19S., R.25E. due west to NW corner of Sec. 26, T.19S., R.23E., then due south to SW corner of Sec. 12, T.22S., R.23E, then due east to Kansas/Missouri border at SE corner of Sec. 12, T.22S., R.25E, then due north to point of origin.	Big Sugar Ck, Elm Ck, Marais des Cygnes River, Middle Ck, Muddy Ck, Richland Ck, North Sugar Ck, (13)Marais des Cygnes National Wildlife Refuge; And: All wetlands, oxbow lakes and classified streams within that portion of Linn County encompassed by a line that extends from Kansas/Missouri border at NE corner of Sec. 26, T.19S., R.25E. due west to NW corner of Sec. 26, T.19S., R.23E., then due south to SW corner of Sec. 12, T.22S., R.23E, then due east to Kansas/Missouri border at SE corner of Sec. 12, T.22S., R.25E, then due north to point of origin.
Logan		Smoky Hill River, Chalk Ck, Ladder Ck, Twin Butte Ck
Lyon		Neosho River, Jacob Ck
Marion		Middle Ck, Spring Ck, Catlin Ck, Mud Ck.
Marshall		Clear Fork Black Vermillion River, Manley Ck, North Elm Creek
Mc Pherson		(10)McPherson Valley Wetlands: Classification applies to all surface waters within state owned portions of wetlands.

County	*Exceptional State Waters	*Special Aquatic Life Use Waters
Meade		Crooked Ck, Spring Ck, Stumpie Arroyo, two unnamed tributaries to Stumpie Arroyo, Lake Meade, Cimarron River
Miami	Middle Ck, Marais des Cygnes River, Big Sugar Ck	Marais des Cygnes River, Pottawatomie Ck, (25) Hillsdale Reservoir
Montgomery		Onion Ck, Verdigris River, Labette Ck, Neosho River
Morris		Lime Ck, Neosho River, Sixmile Ck, Middle Ck
Morton	Cimarron River, North Fork Cimarron River, unnamed tributary to North Fork Cimarron River, Moss Lake (east, west, & middle)	Cimarron River, North Fork Cimarron River, unnamed tributary to North Fork Cimarron River, West Moss Lake, Middle Moss Lake, East Moss Lake
Nemaha		South Fork Nemaha River, Manley Ck
Neosho		Neosho River, Downy Ck, (20) Neosho State Waterfowl Management Area; designation applies to all surface waters within waterfowl management area
Osage		Appanoose Ck, Frog Ck, Long Ck
Phillips		(4) Kirwin Lake; Kirwin National Wildlife Refuge; designation applies to all surface waters within wildlife refuge.
Pottawatomie		Deep Ck, Kansas River
Pratt	(14) all surface waters within Texas Lake Wildlife Area	Amber Ck, Elm Ck, East Branch South Elm Ck, North Branch Elm Ck, South Branch Elm Ck, Medicine Lodge River, Mulberry Ck, Turkey Ck, Chikaskia River, North Fork Chikaskia River, Sand Ck, Silver Ck, Natrona Ck, South Fork Ninescah River, West Branch of South Fork Ninescah River, Painter Ck, Clear Water Ck
Reno		Arkansas River, Peace Ck, North Fork Ninescah River, Red Rock Ck, Silver Ck, Painter Ck, unnamed tributary to North Fork Ninescah River, unnamed tributary to Silver Ck, Smoots Ck, (3) Quivera Salt Marsh; All surface waters within Quivera National Wildlife Refuge
Republic	(6) all surface waters within Jamestown Waterfowl Management Area	Republican River
Rice		Arkansas River, Rattlesnake Ck, (3) Quivera Salt Marsh
Riley	Deep Ck	Spring Ck, Bluff Ck, Bucksnot Ck, Kansas River, Wildcat Ck, Kings Ck and tributaries
Rush		Blood Ck
Russell	Saline River	Smoky Hill River
Scott		Ladder Ck, Lake Scott, Scott State Park and Feeder Springs
Sedgwick		Sand Ck, Arkansas River, Ninescah River, North Fork Ninescah River, unnamed tributary to North Fork Ninescah River, South Fork Ninescah River, West Branch of South Fork Ninescah River

County	*Exceptional State Waters	*Special Aquatic Life Use Waters
Shawnee		Kansas River,
Stafford		Rattlesnake Ck Peace Ck, unnamed tributary to North Fork Ninnescah River, (3)Quivera Salt Marsh
Stevens	Cimarron River, North Fork Cimarron River	Cimarron River
Sumner	Chikaskia River	Chikaskia River, Arkansas River, Spring Ck, Ninnescah River; (8) Slate Creek Wetlands: classification applies to all surface waters within state owned portions of wetlands.
Wabaunsee	Mill Ck, East Branch Mill Ck, West Branch Mill Ck	Mill Ck, East Branch Mill Ck, Middle Branch Mill Ck, South Branch Mill Ck, Kansas River, Locust Ck
Wallace		Capper Draw, Coon Ck, Depperschmidt Draw, Eagle Tail Ck, Pond Ck, Rose Ck, Smoky Hill River, Willow Ck, Ladder Ck, Twin Butte Ck
Wichita		Chalk Ck, Ladder Ck
Wilson	Fall River	Verdigris River, Fall River
Woodson		Neosho River, Woodson County State Fishing Lake, South Owl Ck, (7) Circle Lake & Leonards Lake; (9)All wetlands within Sec. 3 and Sec. 11, T.26S., R.14E.
Wyandotte		Little Turkey Ck, Kansas River, Missouri River

The following counties currently do not contain waters classified as ESW, SALU or ONRW: Brown, Decatur, Gove, Graham, Gray, Harvey, Haskell, Hodgeman, Jackson, Lane, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Rawlins, Rooks, Saline, Seward, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, and Washington.

**\* Kansas Regulations for Special Waters in Kansas**

**Outstanding National Resource Water, K.A.R. 28-16-28b (mm)**, "means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(zz), and afforded the highest level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b)."

**Exceptional State Waters, K.A.R. 28-16-28b (w)**, "means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register as defined in K.A.R. 28-16-28b(zz), and afforded the highest level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b)."

**Special Aquatic Life Use, K.A.R. 28-16-28d (a) (2) (A)**, "means surface waters that contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters that contain representative populations of threatened or endangered species."

**K.A.R. 28-16-28c(a)B(2)**- "Wherever state surface waters constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected."

**K.A.R. 28-16-28c(a)B(3)**- "Wherever state surface waters constitute outstanding national resource waters existing water quality shall be maintained and protected. New or expanded discharges shall not be allowed into outstanding national resource waters."

Finally, the Kansas Surface Water Standards K.A.R. 28-16-28 can be found at : <http://www.kdhe.state.ks.us/#regs> (page 46 on acrobat reader)



## FIELD KEY FOR SUBJECTIVE EVALUATION OF TERRESTRIAL WILDLIFE HABITATS

Each habitat type or community present within the evaluation area will be rated. The rating will be a numerical value between 0.0 and 10.0. The criteria keys are only guides to obtain uniformity in evaluating different tracts. The criteria key will serve as a standardized check list for identifying habitat communities and placing a value on their quality. When professional judgement that determines the habitat characteristics are different than those indicated, narrative description can be developed in the field and a quality rating made.

### WOODLAND KEY

Evaluate for composition and distribution of components throughout stand.

Species Groups	Points
(Nut, Mast, Fruit, Seed, Evergreen)	6 to 10
4-5 species groups	3 to 6
Nut or mast + 2 other spp. groups	1 to 3
2-3 spp. groups	1 to 3
1 species group	1

Plant Form	Score each plant form as
Trees over 12" dbh	Abundant = 3 points
Trees over 25' tall	Common = 2 points
Trees 3'-25' tall	Sparse = 1 point
Trees up to 3' tall	Absent = 0 points
Shrubs	
Vines	
Grass	
Forbs	
Debris and/or Standing Dead, Snags	
Den Trees	

Total Points + IV = R  
4

### STREAM KEY

Components	Component Points
Streambank Habitat = Excellent	4.0
Good	3.0
Fair	2.0
Poor	1.0
Water Availability	No permanent pools or flow w/permanent pools only: 0.0-0.5 w/permanent flow: 1.0-1.5
Aquatic Habitat Diversity	Good - Excellent: 2.0 Poor - Fair: 1.0
Floodplain Diversity	Traverses 2 or + habitats: 2.0 Traverses 1 habitat: 1.0
Channelization	If present, subtract up to 2 points depending on channel condition and how much channelization has influenced the previous components

Total Points = R

### RANGELAND KEY

Components	R
Decreasers reproducing stand Plants in healthy condition Herb. increasers not conspicuous Woody increasers may be conspicuous	9.5 - 10.0
Decreasers conspicuous, can recover Woody invaders may be established, others reproducing markedly Woody increasers may be conspicuous	6.5 - 9.0
Decreasers not conspicuous Annuals/invasers conspicuous Increasers established	3.5 - 6.0
Decreasers absent Invaders established Desirable wildlife food/cover nearly absent	1.0 - 3.0

Component Value + IV = R

### ODD AREA KEY

Components	Component Points
<b>Woody Vegetation</b> Abundant trees, shrubs, vines; all age; excellent food/cover	5.0
Woody spp. abundant; even-all age; food/cover good/excellent	4.0
Woody spp. common; even-all age; food/cover good	3.0
Woody spp. sparse, even-all age; food/cover fair	2.0
Woody spp. sparse; cover poor	1.0
Woody spp. absent	0
<b>Herbaceous Vegetation</b> Abundant perennial native grass & forbs; food/cover excellent	5.0
Abundant native vegetation; food/cover good	4.0
Native vegetation common; annuals/increasers established; food/cover fair	3.0
Native vegetation sparse; introduced grasses may be established; food/cover fair-poor	2.0
Introduced vegetation abundant; food/cover poor	1.0

Total Points + IV = R

**WETLAND KEY**

Components	Component Points
Protection from livestock	0.0 - 2.0
Emergent vegetation present	0.0 - 2.0
Open water present	0.0 - 2.0
Water present every year	3.0
Water level controlled	1.0
<b>Total Points + IV = R</b>	

**PASTURE KEY**

Components	Rating
Grass in good con. w/some desirable forbs present:	
Warm season pasture	5.0 - 6.0
Cool season pasture	4.5
Grass in fair cond. w/more of the less desirable forbs present:	
Warm season	4.0
Cool season	3.5
Grass in excellent cond. w/few forbs:	
Warm season	3.5
Cool season	3.0
Grass in poor cond. w/abundance of poor quality herbaceous or bare ground:	
All pastures	1.0
Same condition as above w/more desirable ann. grass, forbs, and some small woody:	
All pastures	2.0
Any of the above w/some established woody:	Add 0.5
Ratings higher than 6.0 for warm season and 5.0 for cool season must be documented.	
*Based upon degree of management and grasses present.	
<b>Total Points + IV = R</b>	

**IMPOUNDMENT KEY**

Components	Component Points
1/3 shoreline protected from livestock	1.0
1/2 - 2/3 shoreline protected from livestock	2.0
2/3 shoreline protected from livestock	3.0
Beneficial aquatic vegetation present	0.0 - 3.0
Permanent water present	1.0
Water quality	0.0 - 2.0
Control of water level possible	1.0
<b>Total Points + IV = R</b>	

**CROPLAND KEY**

Regardless of crop grown, cropland undergoes major disturbances (tilling, harvesting) annually resulting in poor terrestrial wildlife habitat during some part of every year. A high cropland R can only be achieved if it provides food, some cover, and has a high level of interspersions. Knowledge of local farm practices and professional judgement will be used to rate.

Components	Rating
Cropland with 4 or more adjacent habitats	
Row crop or alfalfa	5.0
All other crops	4.0
Cropland w/2-3 adjacent habitats	
Row crop or alfalfa	4.0
All other crops	3.0
Cropland w/0-2 adjacent habitats	
Row crop or alfalfa	2.0
All other crops	1.0
NOTE: Ratings higher than 5.0 must have their rationale documented on the field record form.	

**INTERSPERSION**

The Interspersion Value (IV) is a separate entity for each evaluated habitat tract except CROPLAND and STREAM. Determine the number of different habitat communities (types) that are adjacent to the evaluated habitat tract and add the applicable IV to the criteria value to determine the habitats quality rating (R). In no case can R exceed 10.0.

**INTERSPERSION KEY**

Adjacent Habitats	IV
4 + additional types	+ 1.5
2-3 additional types	+ 1.0
1 additional type	+ 0.5
All one habitat	+ 0.0

Subjective guideline for judgement ratings: Exc. = 9 - 10; Good = 6 - 8; Fair = 3 - 5; Poor = 1 - 2

NORTHWEST DISTRICT

(785)625-5664  
2301 E. 13th  
Hays, KS 67601-2651  
Ken Brook, DEA

SOUTHWEST DISTRICT

(316)225-0596  
302 W. McArtor Road  
Dodge City, KS 67801-6098  
Al Guernsey, DEA

ULYSSES SATELLITE OFFICE

(316)356-1075  
325 Oklahoma  
Ulysses, KS 67880

NORTH CENTRAL DISTRICT

(785)827-9639  
2501 Market Place  
Ste. D & E  
Salina, KS 67401-7699  
Rick Brunetti, DEA

SOUTH CENTRAL DISTRICT

(316)337-6020  
130 S. Market  
Wichita, KS 67202-3802  
Mark Bradbury, DEA

NORTHEAST DISTRICT

(785)842-4600  
800 W. 24<sup>th</sup> Street  
Lawrence, KS 66046-4417  
Julie Coleman, DEA

SOUTHEAST DISTRICT

(316)431-2390  
1500 W. 7<sup>th</sup> Street  
Chanute, KS 66720  
David Stutt, DEA

# KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT DISTRICT OFFICES

