

## **Kansas Clean Water Act Section 401 Water Quality Certification (WQC) Conditions for Nationwide Permits (NWP) published in the January 13, 2021 Federal Register**

**Effective March 15, 2021**

**U.S. Environmental Protection Agency (USEPA):** The USEPA has granted WQC with no conditions applicable to the following tribal lands (Indian Country) within Kansas: Iowa Tribe of Kansas and Nebraska, Kickapoo Tribe in Kansas, Prairie Band Potawatomi Nation, Sac & Fox Nation of Missouri in Kansas and Nebraska. This WQC applies to the following 16 NWPs: 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, & 58

**The Kansas Department of Health and Environment (KDHE):** The KDHE has also granted WQC with the following conditions applicable to the aforementioned 16 NWPs:

### **GENERAL WQC CONDITIONS**

1. **Certification Retention:** Nationwide permit recipients shall retain this water quality certification on the project site through the duration of the project to accommodate inspection pursuant to K.S.A. 65-164 and 165.
2. **KDHE Notification:** Pursuant to K.S.A. 65-164 and 165, nationwide permit recipients shall email KDHE at [kdhe.nps@ks.gov](mailto:kdhe.nps@ks.gov) when construction starts.
3. **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 permittee responsible for the permitted activity shall monitor and maintain cover materials until such time as the site is stabilized. Project closure procedures shall be included in the Project Water Quality Protection Plan (PWQPP) per section VIII-6. Pursuant to K.A.R. 28-16-28e(b) (1) through (8).
4. **Riparian Areas:** Minimize removal or disturbance of riparian areas (areas adjacent to water bodies). KDHE encourages the use of vegetation consistent with adjoining/native vegetation materials for restoration to minimize impacts from improper handling of fertilizers and pesticides. Pursuant to K.A.R. 28-16-28e(b)(1)(2),(7).
5. **Discharge of Floatable Materials:** Pursuant to K.A.R. 28-16-28e(b)(1) and (3) the permittee 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, and other materials. Appropriate measures shall be taken to capture and/or recover any floatable materials discharged to waters of the state originating with the permitted project.

6. **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 PWQPP. Pursuant to K.A.R. 28-16-28e(b)(1), (5), and (7)
7. **Spill Response, Cleanup and Reporting:** 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. The Kansas Department of Health and Environment shall then be notified immediately: (785) 291-3333 (24 hours a day.) These incidences should also be reported to the National Spill Response Center (1-800-424-8802). Spill response and cleanup actions shall be documented on the applicable Project Water Quality Protection Plan (PWQPP). 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. Pursuant to K.A.R. 28-16-28e(b)(1), (5), and (7).

## **KDHE GENERAL INFORMATION**

Kansas Department of Health and Environment  
Bureau of Environmental Field Services- Watershed Management Section  
1000 SW. Jackson St., Suite. 430, Topeka, KS 66612-1367  
(785) 296-4195  
email: [kdhe.nps@ks.gov](mailto:kdhe.nps@ks.gov)

**Authority:** This certification is prepared pursuant to Clean Water Act (CWA) Section 401 and Kansas Administrative Regulation (K.A.R.) 28-16-28f(b)(1) by the Kansas Department of Health and Environment (KDHE).

**Certification:** All activities authorized by the U.S. Department of Army Corps of Engineers (USACE) proposed Nationwide Permits (NWP) that go into effect on the date USACE publishes the final NWPs in the Federal Register, are not expected to result in violations of Kansas Water Quality Standards found at Kansas Administrative Regulations 28-16-28b through 28g, provided the permittee conducting the Corps of Engineers authorized activity adheres to the conditions set out by this certification. Below is the Federal Register link to the proposed NWPs  
<https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits>

Additionally, Kansas Regional Conditions for NWPs have been drafted by the Kansas City District USACE in coordination with state and federal agencies. Once issued, these conditions provide a general statewide framework for requirements for permitted activities considered by the Kansas City District USACE to have minimal impacts on the aquatic ecosystem. This water quality certification provides conditions and guidance to address local water quality needs of the permitted activities.

**Limitations of this Certification:** All Section 404 activities within the borders of Indian owned and operated lands are not covered by this certification. Individuals proposing projects which impact those waters are responsible for contacting the Environmental Protection Agency at (913) 551-7498 and appropriate individual at the following numbers:

- a. Prairie Band Pottawatomie Indians, Planning Department, 785/966-2946
- b. Kickapoo Tribe in Kansas, Environmental Office, 785/486-2601
- c. Iowa of Tribe of Kansas and Nebraska, 785/595-3258
- d. Sac and Fox Tribe of Missouri, 785/742-4705

**Enforcement and Penalties:** This certification does not relieve the applicant of the responsibility for any discharge to waters of the state or allow for any inappropriate discharge to occur. As provided for by Kansas Statutes Annotated (K.S.A.) 65-171(f). Additional information on State of Kansas penalties can be found in the Appendix.

**The information below is being provided to the recipient of this water quality certification for said Section 404 permits to better serve those using it. Coordination with KDHE programs below should be strongly considered:**

**Kansas Water Pollution Control General Permit for Stormwater Runoff from Construction Activities:** This certification does not relieve the applicant of project activities not under the Section 404 NWP of the responsibility to determine if the project is subject to the requirements of a construction stormwater permit pursuant to K.S.A. 65- 164 and 165, to secure such permit as necessary. Questions and inquiries may be directed to:

Kansas Department of Health and Environment  
Bureau of Water – Permitting and Compliance Section  
1000 SW Jackson Street, Suite 420 Topeka, Kansas 66612-1367  
Phone 785/296-5549 or FAX:785/296-0086 [www.kdheks.gov/stormwater](http://www.kdheks.gov/stormwater)

**Solid Waste Impacts:** 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. (K.S.A. 65-3401 and K.A.R. 28-29-1 et. seq.) Direct inquiries to:

KDHE, Bureau of Waste Management  
1000 SW Jackson Street, Suite 320  
Topeka, Kansas 66612-1366  
Phone: 785/296-1600; FAX: 785/559-4253  
[www.kdheks.gov/waste/index.html](http://www.kdheks.gov/waste/index.html)

Good housekeeping including personal refuse such as food containers, sacks etc. shall not be left on site to prevent them from being introduced to waters of the state. K.A.R. 28-16-28e(b) (1) and (3).

**Public Water Supply Operation Impacts:** Drinking Water Intakes: The permittee 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 permittee

responsible for the permitted activity shall consider the suggestions and recommendations of the public water supply official. K.A.R. 28-16-28e(b)(7).

**Nutrient management:** Fertilizer for temporary or permanent vegetation should be applied in a manner that does not result in runoff to the adjacent water body potentially causing toxic algae blooms. Using native vegetation endemic to the area and mulch to restore the area is strongly suggested.

Any surface waters of the state within and below the project area to have a public health hazard, nuisance condition or impairments of designed uses [K.A.R. 28-16-28e(b)(1)].

Surface waters of the state within and below the project area to have toxic substances, radioactive isotopes, and infectious microorganisms in concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife or aquatic or semi-aquatic life [K.A.R. 28-16-28e(b)(2)].

**Total Maximum Daily Load Effects:** The permittee should be aware of their activity occurring in a watershed with a Total Maximum Daily Load (TMDL) in implementing appropriate water quality practices. Visit [http://www.kdheks.gov/tmdl/planning\\_mgmt.htm](http://www.kdheks.gov/tmdl/planning_mgmt.htm) for TMDL watershed locations, maps and other information.

**Project Water Quality Protection Plan:** Pursuant to K.S.A. 65-164 and 165. Any entity wishing to use a Section 404 Nationwide 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 management, fuel storage and leaks, sediment from construction, proper fertilizer and vegetation management for site stabilization, 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 PWQPP shall be posted or retained on site through the duration of the project.

The KDHE website (<http://www.kdheks.gov/nps/resources/nwpwqppfrm.doc> or <http://www.kdheks.gov/nps/resources/nwpwqppfrm.pdf>) contains information to assist the applicant in preparing a Project Water Quality Protection Plan (PWQPP) for projects not requiring a construction stormwater permit and stormwater pollution prevention plan:

**The permittee is required to submit the PWQPP to KDHE only if the project impacts Outstanding National Resource, Exceptional State or Special Aquatic Life Use Waters per condition No. 7 below.**

**Outstanding National Resource Waters, Exceptional State and Special Aquatic Life Support Use Waters:** In the event the permitted activity occurs within one half (1/2) mile of an Outstanding National Resource Water as defined pursuant to **K.A.R. 28-16-28b (aaa)** and **K.A.R. 28-16-28c(a)(3)**, an Exceptional State Water pursuant to **K.A.R. 28-16-28b(dd)** and **K.A.R. 28-16-28c(a)(2)**, or a Special Aquatic Life Support Use Water designated pursuant to **K.A.R. 28-16-28d(b)(2)(A)** and **K.A.R. 28-16-28d (c)**, the permittee responsible for initiating the activity shall submit a copy of the PWQPP to:

Kansas Department of Health and Environment  
Bureau of Environmental Field Services-Watershed Management Section  
1000 SW Jackson Street, Suite 430  
Topeka, Kansas 66612-1367 or email: [kdhe.nps@ks.gov](mailto:kdhe.nps@ks.gov)

**Locations of Outstanding National Resource Waters, Exceptional State and Special Aquatic Life Support Use Waters** can be found in the attached table and figure. The permittee should also be aware of the following Kansas water quality protection regulations associated with high value/ critical resource waters:

**K.A.R. 28-16-28c(a)(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)(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.”

**K.A.R. 28-16-28c(a)(4)** “No degradation of surface water quality by artificial sources of pollution shall be allowed if the degradation will result in harmful effects on populations of any threatened or endangered species of aquatic or semiaquatic life or terrestrial wildlife or its critical habitat as determined by the secretary of wildlife and parks pursuant to K.S.A. 32-960, and amendments thereto, and K.A.R. 115-15-3 or in the federal endangered species act, 16 U.S.C. 1532 , as in effect July 1, 2012.”

“At a minimum, pursuant to K.A.R. 28-16-28c(a)(1)(A); levels of water quality in surface waters of the state shall be maintained to protect the existing uses of those surface waters.”

**Nationwide Permit #12 - Oil and Gas Pipeline Activities:** Hydrostatic tests for pipeline activities shall be approved prior to discharge of water used for the test. Please contact the following for new and used pipeline:

Kansas Department of Health and Environment  
Bureau of Water Permitting and Compliance Section  
1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367  
Phone 785/296-2856 or FAX: 785/559-4257

**Nationwide #29 (Residential Developments), #39 (Commercial and Institutional Developments), #42 (Recreational Facilities), #43 Stormwater Management Facilities), #51 (Wind Generative Facilities), #52 (Water Based Renewable Energy):** Pursuant to K.S.A. 65-164,165 and K.A.R 28-16-28e(b)(1) through (8): Measures shall be implemented to assure impounded waters, created by activities within the framework of these permits, avoid becoming public health threats, nuisances, generate complaints, and potentially discharge degraded water. The applicant shall prepare and implement an Operations and Maintenance Plan for facilities and landscapes (O&M), which at the minimum incorporate the following:

- a. Identify individual and public property owners and their potential for being the source of nonpoint source pollution. This could include but is not limited to: commercial grounds, streets, rights-of-way, parking areas, conservation easement and proposed mitigation areas etc.
- b. For each property as described in item A. above, indicate the applicable water quality protection measures for each category of artificial sources of pollution. The identified water quality protection measure for each category of artificial source of pollution shall be designed to *reduce to the maximum extent practicable, the level of pollution resulting from identified pollutant sources*. Identified water quality protection quality protection measures shall be at least as effective as those set out by the Kansas Nonpoint Source Pollution Management Plan, 2019 Update, available at: <http://www.kdheks.gov/nps/>.
- c. Strategies to assure implementation of the water quality protection measures identified under item VIII. 6 which may include but are not limited to prohibition or restriction of activities, utilization of alternative technologies or products, information and education, financial assistance, technical assistance, enforcement and penalties. Additionally, an in-house reporting form used by staff to document degraded property conditions potentially impacting the property and needs to address them should be developed, if applicable.
- d. Organizations and individuals responsible for assuring implementation of identified water quality protection measures.

**Nationwide Permit #s 29, 39, and 42:** Pursuant to K.A.R. 28-16-28e(b)(1), (2), and (6): The increase in impervious surface through construction of parking lots, roof tops etc., can increase velocity destabilizing the receiving unnamed tributary thus increasing sedimentation downstream. Projects should be designed to replicate pre-construction conditions so as to minimize or abate destabilization of the banks of receiving streams. In addition to stormwater detention basins, pervious pavement, pervious pavers, underground rain water catchments are strongly recommended. For more information said practices go to this link: [http://kcmetro.apwa.net/content/chapters/kcmetro.apwa.net/file/Specifications/BMPManual\\_Oct2012.pdf](http://kcmetro.apwa.net/content/chapters/kcmetro.apwa.net/file/Specifications/BMPManual_Oct2012.pdf)

**Variance:** Each permittee seeking a variance from any of the requirements indicated above shall submit to the secretary, in writing, a request for the variance and shall provide information and data relevant to the variance request, for KDHE's review and consideration for approval while adhering to WQS (K.A.R. 28-16-28b to 28-16-28h).

**ATTACHMENT 1. TABLE OF EXCEPTIONAL STATE WATERS (EX), SPECIAL AQUATIC LIFE USE WATERS (SALU) and OUTSTANDING NATIONAL RESOURCE WATERS (ON)**, provided by Kansas Department of Health and Environment from 2013 KS SURFACE WATER REGISTER (KSWR) (Subject to change without notice- see [https://www.kdheks.gov/befs/download/Current\\_Kansas\\_Surface\\_Register.pdf](https://www.kdheks.gov/befs/download/Current_Kansas_Surface_Register.pdf)) (Original- 5/2000) (Revisions 3/2001, 4/2004, 2,5,8 2007, 3/2012, 3/2017, 10/2020, 12/2020, 2/19/2021- New Format). (#s) below correlate with those on the map on Attachment 2.

County	EX_SALU_streams	ON_EX_SALU_named_lakes_wetlands	ON_EX_SALU_polygons_parks
Allen	Marmaton R, Neosho R, Onion Cr		KSWR Section Four, Area (1) and Area (2)
Anderson	East Fork Pottawatome Cr, Little Indian Cr., Pottawatomie Cr, South Fork Sugar Cr		KSWR Section Four, Area (3)
Atchison	Missouri R	Muscotah Marsh	KSWR Section Four, Area (4)
Barber	Antelope Cr, Amber Cr, Bear Cr, Cottonwood Cr, Elm Cr, Inman Cr, Medicine Lodge R, Mulberry Cr, Mule Cr, Salt Fork Arkansas R, Sand Cr, Turkey Cr, Unnamed Str 11060003452 (trib to Turkey Cr), Unnamed Str 11060003415 (trib to Medicine Lodge R), Unnamed Str 11060003370 (trib to Medicine Lodge R)		
Barton	Arkansas R (downstream from confluence with Walnut Cr), Blood Cr, Little Cheyenne Cr	Cheyenne Bottoms	KSWR Section Four, Area (10) (Cheyenne Bottoms Nature Conservancy Wildlife Preserve)
Bourbon	Marmaton R, Mill Cr, Pawnee Cr		
Brown	Wolf R (dnstrm from confluence with South Fork Wolf R)		
Butler	Grouse Cr, South Fork Cottonwood R, Walnut R (downstream from confluence with Little Walnut R)		
Chase	Bloody Cr, Cedar Cr, Collett Cr, Cottonwood R, Fox Cr, Jacob Cr, Little Cedar Cr, Middle Cr, Palmer Cr, South Fork Cottonwood R		
Chautauqua	Caney R, Otter Cr		

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Cherokee	Brush Cr, Cow Cr, Labette Cr, Neosho R, Shoal Cr, Spring R, Taylor Br, Turkey Cr		KSWR Section Four, Area (5) and Area (6)
Cheyenne	South Fork Republican R		
Clark	Big Sandy Cr, Bluff Cr, Cimarron R, Gyp Creek, Indian Cr, West Kiowa Cr	Clark Co SFL, St Jacobs Well/Big Basin WA	
Cloud		Jamestown WA	
Coffey	Fourmile Cr, Frog Cr, Little Indian Cr, Neosho R, Wolf Cr	Flint Hills NWR	
Comanche	Bluff Cr, Cavalry Cr, Cimarron R, East Branch Nescatunga Cr, East Kiowa Cr, Indian Cr, Kiowa Cr, Middle Kiowa Cr, Mule Cr, Nescatunga Cr, Red Cr, Salt Fork Arkansas R, Spring Cr, West Kiowa Cr, Wiggins Cr		
Cowley	Arkansas R, Beaver Cr, Grouse Cr, Otter Cr, Spring Cr, Walnut R		
Crawford	Brush Cr, Cow Cr, East Cow Cr, First Cow Cr, Pawnee Cr, Taylor Br		
Dickinson	Carry Cr, Lime Cr, Lyon Cr, West Br Lyon Cr, Unnamed Str 1026000832 (trib to Carry Cr), Unnamed Str 10260008515 (trib to West Branch Lyon Cr) , Unnamed Str 10260008618 (trib to Lime Cr)	Herington Reservoir	
Doniphan	Missouri R, Rock Cr, Wolf R		
Douglas	Appanoose Cr, Kansas R, West Fork Tauy Cr	Clinton Lake	KSWR Section Four, Area (7)
Edwards	Rattlesnake Cr		
Elk	Caney R, Fall R, Grouse Cr		



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Ellis	Saline R (downstream of confluence with East Spring Cr)		
Ellsworth	Smoky Hill R (upstream of Kanopolis Lake)		
Finney			
Ford	Bluff Cr, Rattlesnake Cr, West Kiowa Cr		
Franklin	Appanoose Cr, Hickory Cr, Marais Des Cygnes R (below confluence with Wilson Cr), Pottawatomie Cr, Wilson Cr		
Geary	Davis Cr, Dry Cr, Kansas R, Lyon Cr, Swede Cr, West Branch Mill Cr		KSWR Section Four, Area (12), Konza Prairie Natural Area
Gove			
Graham			
Grant	Cimarron R		
Greenwood	East Branch Fall R, Fall R, North Branch Otter Cr, Verdigris R, West Branch Fall R		
Hamilton	Arkansas R		
Harper	Bluff Cr, Chikaskia R, Little Sandy Cr, Sandy Cr		
Jefferson	Buck Cr, Kansas R	Perry L	
Johnson	Kansas R		
Kearny	Arkansas R		

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Kingman	Allen Cr, Chikaskia R, Duck Cr, Goose Cr, Negro Cr, Nester Cr, North Fork Chikaskia R, Painter Cr, Pat Cr, Sand Cr (trib to South Fork Ninnescah R), Sand Cr (trib to Chikaskia), Silver Cr, Smoots Cr, South Fork Ninnescah R, Spring Cr, Unnamed Str 11030014411 (trib to North Fork Ninnescah R), Unnamed Str 11030015417 (trib to South Fork Ninnescah R), Unnamed Str 11030015514 (trib to South Fork Ninnescah R), Unnamed Str 11030015249 (trib to South Fork Ninnescah R), Unnamed Str 11030015520 (trib to South Fork Ninnescah R), Unnamed Str 11030015518 (trib to South Fork Ninnescah R), Unnamed Str 11030015253 (trib to South Fork Ninnescah R), Unnamed Str 11030015259 (trib to South Fork Ninnescah R), Unnamed Str 11030015261 (trib to South Fork Ninnescah R), Unnamed Str 11030015270 (trib to South Fork Ninnescah R), Unnamed Str 11030015271 (trib to South Fork Ninnescah R) , Unnamed Str 11030015417 (trib to South Fork Ninnescah R), Wild Horse Cr, Wild Run Cr		
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Kiowa	Cavalry Cr, East Kiowa Cr, Medicine Lodge R, Middle Kiowa Cr, Mule Cr, Rattlesnake Cr, Soldier Cr, Spring Cr, Thompson Cr, Unnamed Str 11060003559 (trib to Thompson Cr), West Kiowa Cr, Wiggins Cr		
Labette	Labette Cr, Neosho R		KSWR Section Four, Area (5)
Leavenworth	Kansas R, Missouri R, Seven Mile Cr		
Linn	Big Sugar Cr, Marais des Cygnes R, Middle Cr, Muddy Cr, North Sugar Cr, South Fork Sugar Cr	Marais des Cygnes NWR, Marais des Cygnes WA	KSWR Section Four, Area (8)
Logan	Ladder Cr, Smoky Hill R (above confluence with North Fork Smoky Hill R), Twin Butte Cr		
Lyon	Cottonwood R, Elm Cr, Fourmile Cr, Jacob Cr, Neosho R	Flint Hills NWR	
Marion	Caitlin Cr, Lyon Cr, Middle Cr, Mud Cr, Spring Cr		
Marshall	Clear Fork Black Vermillion R, North Elm Cr		
McPherson			KSWR Section Four, Area (13), McPherson Valley Wetlands
Meade	big Sandy Cr, Cimarron R, Crooked Cr, Gyp Cr, Spring Cr	Lake Meade State Park	
Miami	Hickory Cr, Marais des Cygnes R, Middle Cr, Pottawatomie Cr, Unnamed Str 10291012754 (trib to North Wea Cr)	Hillsdale L	
Montgomery	Onion Cr, Verdigris R		
Morris	Davis Cr, Dry Cr, Fourmile Cr, Lime Cr, Middle Cr, Neosho R (downstream		

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	from Council Grove Lake), Palmer Cr, West Branch Mill Cr		
Morton	Cimarron R	Cimarron L, Mallard L, Point of Rocks L	KSWR Section Three: all surface waters within Cimarron National Grasslands (11)
Nemaha	South Fork Big Nemaha R		
Neosho	Flat Rock Cr, Neosho R	Neosho WA	
Osage	Frog Cr, Maris des Cygnes R (downstream from confluence with Tequa Cr)		
Phillips		Kirwin Lake, Kirwin NWR	
Pottawatomie	Clear Fork Black Vermillion R, Kansas R		
Pratt	Amber Cr, Chikaskia R, East Branch South Elm Cr, Mulberry Cr, Natrona Cr, North Elm Cr, North Fork Chikaskia R, Painter Cr, Sand Cr, Silver Cr, South Fork Ninnescah R, Turkey Cr, Unnamed Str 11060003452 (trib to Turkey Cr), West Branch of South Fork Ninnescah R	Texas Lake WA	
Reno	Arkansas R (south of confluence with Cow Cr), Goose Cr, Peace Cr, Red Rock Cr, Silver Cr, Smoots Cr, Spring Cr, Unnamed Str 11030014289 (trib to Silver Cr), Wolf Cr	Quivira Little Salt Marsh	
Republic		Jamestown WA	
Rice	Arkansas R (upstream of confluence with Rattlesnake Cr), Peace Cr, Rattlesnake Cr	Quivira Big Salt Marsh	

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Riley	Deep Cr, Kansas R, Little Arkansas Cr, Sevenmile Cr, South Br Deep Cr, Swede Cr, Wildcat Cr,		KSWR Section Four, Area (12), Konza Prairie Natural Area
Rush	Blood Cr		
Russell	Saline R (upstream of confluence with Paradise Cr)		
Scott	Ladder Cr	Lake Scott State Park	
Sedgwick	Arkansas R, Big Slough, Nester Cr, Ninnescah R, North Fork Ninnescah R, Sand Cr, Smoots Cr, Unnamed Str 11030014411 (trib to North Fork Ninnescah R), WVC Floodway		
Seward	Cimarron R		
Shawnee	Mission Cr, Kansas R		
Stafford	North Fork Ninnescah R, Peace Cr, Rattlesnake Cr	Quivira Big Salt Marsh, Quivira Little Salt Marsh	
Stevens	Cimarron R		KSWR Section Three: all surface waters within Cimarron National Grasslands (1)
Sumner	Arkansas R, Bluff Cr, Chikaskia R, Ninnescah R, Spring Cr		
Wabaunsee	Dry Cr, East Branch Mill Cr, Elm Cr, Hendricks Cr, Illinois Cr, Kansas R, Kuenzil Cr, Locust Cr, Loire Cr, Mulberry Cr, Mission Cr, Nehring Cr, Paw Paw Cr, Pretty Cr, Ross Cr, Snokomo Cr, South Branch Deep Cr, South Branch Mill Cr, Spring Cr, Unnamed Str 10270102693 (trib to East Branch Mill Cr), West Branch Mill Cr		

**ATTACHMENT 1. TABLE OF EXCEPTIONAL STATE WATERS (EX), SPECIAL AQUATIC LIFE USE WATERS (SALU) and OUTSTANDING NATIONAL RESOURCE WATERS (ON),** provided by Kansas Department of Health and Environment from 2013 KS SURFACE WATER REGISTER (KSWR) (Subject to change without notice- see [https://www.kdheks.gov/befs/download/Current\\_Kansas\\_Surface\\_Register.pdf](https://www.kdheks.gov/befs/download/Current_Kansas_Surface_Register.pdf)) (Original- 5/2000) (Revisions 3/2001, 4/2004, 2,5,8 2007, 3/2012, 3/2017, 10/2020, 12/2020, 2/19/2021- New Format). (#s) below correlate with those on the map on Attachment 2.

Wallace	Capper Draw, Coon Cr, Eagletail Cr, Pond Cr, Rose Cr, Willow Cr		
Wichita	Ladder Cr		
Wilson	Fall R, Verdigris R		
Woodson	Neosho R, South Owl Cr, Verdigris R	Circle L, Leonard's L, Woodson SFL, Woodson WA	KSWR Section Four, Area (9)
Wyandotte	Kansas R, Missouri R		

*Note: All of the waters in the National Wildlife Refuges and Cimarron National Grasslands are Outstanding National Resource Water. The **Following counties currently do not contain waters recognized as: ESW, SALU or ONRW: Decatur, Gove, Graham, Gray, Harvey, Haskell, Hodgeman, Jackson, Lane, Lincoln, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Rawlins, Rooks, Saline, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Washington***

**\*Kansas Regulations for “high value- waters”:**

**Exceptional state waters, K.A.R. 28-16-28b(dd)**, “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 and afforded the highest level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c and the mixing zone provisions of K.A.R. 28-16-28c.”

**Outstanding national resource water, K.A.R. 28-16-28b (aaa)** means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined this regulation, and afforded the highest level of water quality protection under the anti-degradation provisions and the mixing zone provisions of K.A.R. 28-16-28c.

**Special Aquatic Life Use, K.A.R. 28-16-28d(b)(2)(A) and K.A.R. 28-16-28d(c)**, “means either classified surface waters other than classified stream segments that contain combinations of habitat types and indigenous biota not found commonly in the state or classified surface waters other than classified stream segments that contain representative populations of threatened or endangered species.

**Anti-degradation-** Pursuant to KAR 28-16-28c(a)(1)(A); levels of water quality in surface waters of the state shall be maintained to protect the existing uses of those surface waters.

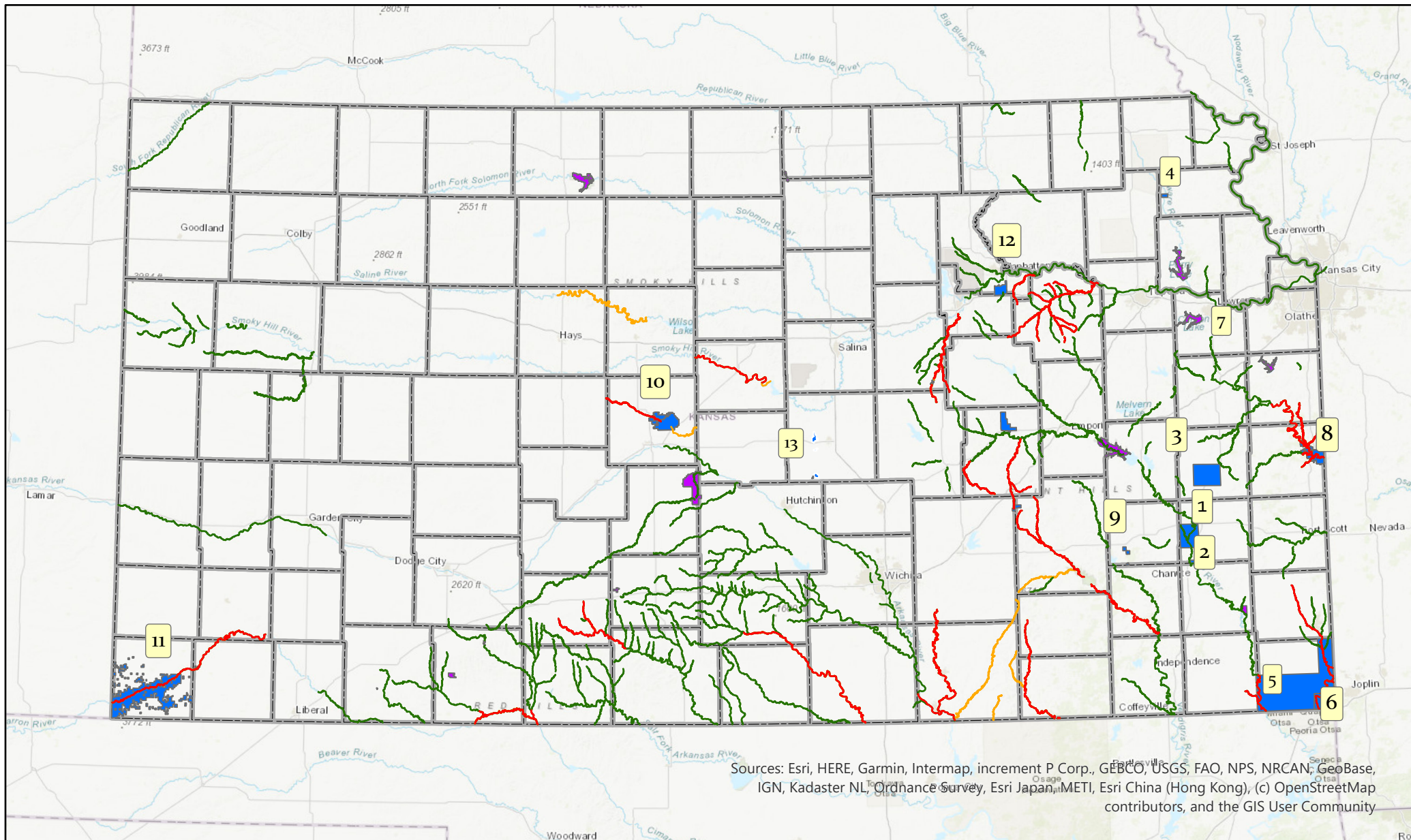
**K.A.R. 28-16-28c(a)(2)-** “Wherever state surface waters constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected.”

**K.A.R. 28-16-28c(a)(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.”

**K.A.R. 28-16-28c(a)(4)** “No degradation of surface water quality by artificial sources of pollution shall be allowed if the degradation will result in harmful effects on populations of any threatened or endangered species of aquatic or semiaquatic life or terrestrial wildlife or its critical habitat as determined by the secretary of wildlife and parks pursuant to K.S.A. 32-960, and amendments thereto, and K.A.R. 115-15-3 or in the federal endangered species act, 16 U.S.C. 1532 , as amended on October 7, 1988.”

Please note the Kansas Surface Water Quality Standard citations and locations within this document are subject to change without notice. For the most recent version, please see: <https://www.kdheks.gov/tmdl/kswqs.htm>.

# Outstanding National Resource Waters, Exceptional State Waters, and Special Aquatic Life Use Waters



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

- Special Aquatic Life Use and Exceptional State Waters Streams
- Special Aquatic Life Use Streams
- Exceptional State Waters Streams
- Outstanding National Resource Waters, Exceptional State Waters, and Special Aquatic Life Use AREAS
- Outstanding National Resource Waters, Exceptional State Waters and Special Aquatic Life Use Lakes and Wetlands

