

STATE OF KANSAS 2021 NATIONWIDE PERMIT REGIONAL CONDITIONS

For All Nationwide Permits

- 1. Stream Crossings.** In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States. The guidelines are available at:
<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/KS/KSRC1Streams.pdf>

 - Corps Districts may waive Regional Condition 1 when project site geomorphology (i.e., bedrock, gradient) or existing alterations (i.e., adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide preconstruction notification (PCN) to the District Engineer for any waiver request.
- 2. Suitable Material.** In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in waters of the United States: garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

 - Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in waters of the United States.
- 3. Indian Country.** All Nationwide Permits requested by applicants other than the Tribal Authority for use within the reservation boundaries of Indian Country in Kansas require a PCN to the District Engineer and coordination with the Tribal Authority. All other terms and conditions of the Nationwide Permits and regional conditions apply in Indian Country regardless of the applicant.

Note: In Kansas, Indian Country includes: Prairie Band Potawatomi Reservation in Jackson County, Kickapoo Reservation in southwest Brown County, Sac and Fox Reservation and Off-Reservation Trust Land in northeast Brown County, and Iowa Reservation and Off-Reservation Trust Land, also in northeast Brown County.
- 4. T&E Species Waters.** As required by General Condition 18, a PCN is required for any regulated activity in waters listed at:
<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/KS/KSRC4T&EWaters.pdf>. For additional information on Endangered Species Act (ESA) listed species in Kansas contact the U.S. Fish and Wildlife Service at (785) 539-3473 (Manhattan, KS Office). Please note that it is incumbent upon the permittee to obtain any required permits from the Kansas Department of Wildlife, Parks and Tourism. Information and requirements regarding State-listed species can be found at: <https://ksoutdoors.com/Services/Threatened-and-Endangered-Wildlife> or by calling (620) 672-0720.

- 5. Designated State Waters.** The applicant must provide a PCN to the District Engineer for any regulated activity in Outstanding National Resource Waters (ONRW), Exceptional State Waters (ESW), or Special Aquatic Life Use Waters (SALUW) as listed in the Kansas Surface Water Register. ONRW include: 1) all surface waters within the boundaries of the Cimarron National Grasslands (Morton and Stevens Counties); 2) Flint Hills National Wildlife Refuge (Coffey County); 3) Quivira Big Salt Marsh and Quivira Little Salt Marsh (Stafford County); and 4) Cheyenne Bottoms (Barton County). The list of special status waters requiring notification is available on request from the Corps and a map is located at:
<https://www.nwk.usace.army.mil/Portals/29/docs/regulatory/NWP/2021/KS/KSRC5DesignatedWaters.pdf>.

Note: PCN to the District Engineer must be made in accordance with General Condition 32 of the Nationwide Permits.