

KANSAS 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:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/KSRC1Streams.pdf>

2. **Invasive and Exotic Species.** Plant species listed at <http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/KSInvasivePlants.pdf> shall not be used for revegetation unless this requirement is waived by the District Engineer based on a case specific analysis of the revegetation plan. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. Known zebra mussel waters within Kansas can be found at <http://nas.er.usgs.gov/queries/zmbyst.asp>.

3. **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: vehicle bodies, construction or demolition debris, garbage, tires, treated lumber (chromated copper arsenate (CCA), creosote, and pentachlorophenol), 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.

4. **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 preconstruction notification to the District Engineer and coordination with the Tribal Authority. All other terms and conditions of the NWPs and regional conditions apply in Indian Country regardless of the applicant.

5. **Threatened & Endangered Species Waters.** The applicant must provide preconstruction notification to the District Engineer for any regulated activity in waters listed at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/T&EList.pdf>

6. **Designated State Waters.** The applicant must provide preconstruction notification to the District Engineer for any regulated activity in Exceptional State Waters (ESW) or Special Aquatic Life Use Waters (SALUW) as listed in the Kansas Surface Water Register. The list of special status waters requiring notification is available on request from the Corps and a map is located at:
http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/DesignatedWaters_14Oct2011.pdf

For Specific Nationwide Permits:

1. **NWP 12 – Utility Line Activities.** The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is in a special aquatic site or when new utility line construction activities have multiple crossings of the same stream and/or parallel a stream. The preconstruction notification must include a revegetation plan for impacted wetlands and riparian areas in accordance with Regional Condition 2. Where preconstruction notification is required for utility line activities within streams, the submittal

must include site-specific plans for the stabilization of disturbed channel bed and bank areas.

2. **NWP 23 - Approved Categorical Exclusions.** The applicant must provide preconstruction notification to the District Engineer for all regulated Nationwide Permit 23 activities in waters of the United States. In addition to information required by General Condition 31, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

3. **NWP 27 – Stream and Wetland Restoration Activities.** The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is associated with impacts to forested wetlands.

4. **Requirements for Waiver of 300 Linear Foot Limit Associated with NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, 52.** The applicant must request the waiver in writing and provide documentation and environmentally based reasons to support the waiver request in accordance with the requirements of General Condition (31) for making waiver determinations.

Note: Preconstruction Notification to the District Engineer must be in accordance with General Condition (31) of the Nationwide Permits.