DEPARTMENT OF THE ARMY PERMIT

Permittee General Public

Permit No. GP-40

Issuing Office U.S. Army Corps of Engineers, Kansas City District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below..

Project Description: This regional general permit authorizes the discharge of dredged or fill material for agriculture conservation practices in waters of the United States within the State of Kansas. In order to provide a comprehensive tool to landowners, this general permit is intended to encompass the following Natural Resources Conservation Service (NRCS) designed and/or approved activities, where they have minimal adverse impacts, including those authorized by existing Nationwide Permits, in a single permit instrument:

1. Grassed Waterways
2. Grade Stabilization Structures
3. Heavy Use Protection Areas
4. Pipelines
5. Spring and Seep Developments
6. Ponds
7. Diversions
8. Water and Sediment Control Basins
9. Wetland Creation, Enhancement and Restoration
10. Threatened and Endangered Species
11. Subsurface Drainage
12. Underground Outlets

DESIGN CONSIDERATIONS AUTHORIZED BY THIS REGIONAL GENERAL PERMIT: The activities must be designed and/or approved by NRCS. Project specific design criteria are outlined in Appendices 1-12.

Project Location: In all waters of the U.S. in the State of Kansas (including Indian Country within Kansas boundaries).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends 2 years from each permit determination. For individually authorized projects where notification is required, the work is authorized for two years from the date of permit verification received from the Corps of Engineers. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheets, pages 4 and 5, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

GENERAL PUBLIC – SIGNATURE NOT REQUIRED

(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

March 18, 2008

(DISTRICT ENGINEER) (DATE)
ROGER A. WILSON, JR., COLONEL
BY: MARK D. FRAZIER
Chief, Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)

SPECIAL CONDITIONS:

a. **Preconstruction notification requirements:** All activities authorized by this General Permit require written preconstruction notification to the Corps of Engineers. Notification shall be submitted by NRCS or a NRCS Certified Technical Service Provider to the Corps for verification. The written notification shall include a completed *"Request for GP-40 Authorization"* form. The form is available to download at: http://www.nwk.usace.army.mil/regulatory/regulatory.htm or may be obtained by writing or calling the Kansas City District, Corps of Engineers, 706 Federal Building, 601 E. 12th St., Kansas City, Missouri 64106-2896, phone 816-389-3990. In order for the form to be determined complete, it must include the name of the requesting official (NRCS staff or a Certified Technical Service Provider) and the date approved. In addition, the notification shall include the following supplemental information, as required for specific activities: location map, aerial photograph(s), drawing(s), and mitigation worksheets.

b. You must receive Corps verification of GP-40 authorization before you begin any work in waters of the United States. Should any part of the authorized work be performed by a contractor, you must discuss the terms and conditions of this permit with the contractor prior to beginning work; and, you must give a copy of this entire permit to the contractor.

c. For activities occurring in Indian Country, you must request individual Section 401 Water Quality Certification from the Environmental Protection Agency (EPA). You may contact the EPA by writing US EPA, Region 7 Tribal Coordinator, 901 North 5th Street, Kansas City, Kansas 66101, or by calling (913) 551-7498. You must receive Section 401 Water Quality Certification in order to validate this GP-40 verification. Should EPA issue programmatic certification for this GP during the term of the GP, General Condition 5 of the permit applies.

d. You must sign and return a "Compliance Certification" after you complete the authorized work and any required mitigation. Your signature will certify that you completed the work in accordance with this permit, including general and special conditions, and any required mitigation.

e. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have separate authorization under the ESA (e.g., an ESA Section 10 permit, or a Biological Opinion under ESA Section 7, with "incidental take" provisions with which you must comply). In order to comply with the ESA the Corps of Engineers will maintain a list of waters and uplands located within the known range of Federally listed threatened or endangered species (Appendix 10). Proposed activities which occur within any of these listed waters, will require ESA Section 7 consultation, before GP-40 authorization can be granted.

f. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States by natural runoff or by leaching.

g. The following materials are not suitable for fill activities into waters of the U.S. under GP-40 authorization: trash, debris, car bodies, asphalt, buses, rail cars, 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.

h. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in a nonwetland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.

i. You must excavate, dredge and/or fill in the watercourse in a manner that will minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

j. You must immediately remove and properly dispose of all debris during every phase of the project in order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body.

k. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.

l. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.

m. You must restrict the clearing of timber and other vegetation to the absolute minimum required to accomplish the work. Clearing, grading and replanting should be planned and timed so that only the smallest area necessary is in a disturbed, unstable or unvegetated condition.

n. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction. Best management practices (BMPs) such as inflatable silt fences, standard silt fences, hay bale dikes, or other approved practices, must be implemented to prevent erosion and sedimentation. Vegetation must consist of NRCS recommended species, and must adhere to the required criteria of the Corps' case specific authorization under GP-40. If seeding does not successfully vegetate the disturbed areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. However, you must contact the Kansas City District, Regulatory Branch prior to beginning work on any additional erosion control measures so that a determination can be made whether further authorization is required.

o. You must use only graded rock, quarry-run rock and/or clean concrete rubble for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. 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. If you use concrete rubble, you must break all large slabs to conform to the well graded requirement, and remove all exposed reinforcement rods, trash, asphalt, and other extraneous materials before you place the rubble in the water of the United States.

p. You must limit the placement of riprap or other hard, structural erosion control methods, to the minimum amount necessary to protect disturbed or vulnerable areas from erosion and sedimentation.

q. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized by this regional permit, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C (or amended regulations).

r. If any funerary objects or human remains are unearthed at anytime during the course of this authorized work, you must halt construction activities and notify the Corps of Engineers at 316-322-8247 immediately.

APPENDIX 1
Grassed Waterways

DEFINITION: A natural or constructed channel that is shaped or graded to required dimensions and established with suitable vegetation. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 412.

PURPOSES: This practice may be applied as part of a conservation management system to support one or more of the following purposes:

1. To convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding.
2. To reduce gully erosion.
3. To protect/improve water quality.

CRITERIA:

1. This General Permit (GP) does not authorize the construction of grassed waterways in perennial or natural intermittent streams.
2. The grassed waterway must be constructed along a similar flow route of the existing channel. Grassed waterways requiring substantial straightening of the flow route are not authorized under this GP.
3. The grassed waterway must be constructed with either parabolic or trapezoidal cross sections. Irregular or V-shaped cross sections are not authorized by this GP.
4. The average top width of the grassed waterway must not be less than 20 feet and the bottom width of the grassed waterway must not exceed 100 feet.
5. The constructed side slopes must not be steeper than 4:1.
6. This GP does not authorize waterways requiring subsurface drains or stone centers.
7. Grassed waterways requiring a grade stabilization structure or other suitable outlet may be authorized by this GP; however, the grade stabilization structure or alternate outlet design must be designed or approved by the NRCS according to their specific conservation practice standards.
8. Grassed waterways requiring temporary or permanent berms are authorized by this GP. Once the desired vegetation has become established, the temporary berms shall be removed and the earthen material shall be blended into the adjacent fields to allow free drainage into the waterway.
9. Grassed waterway seeding/plantings must be recommended by the local NRCS office, adapted to soil type and climate, and must not include exotic and invasive species, including Reed canary grass (*Phalaris arundinacea*).
10. Grassed waterways constructed in farmed channels, that are completely or partially plowed across and no longer exhibit continuous bed and bank features, may be seeded to a grass mixture that meets the producer's needs, provided the grass(es) are recommended by the local NRCS office.
11. Grassed waterway rehabilitation/maintenance is authorized by this GP.
12. Grassed waterways designed to replace an impaired channel and riparian zone, which exhibits bed and bank features, may require a seeding plan consisting exclusively of native grasses and vegetation adapted to the soil type and climate. The incorporation of a native grass seeding plan may be necessary to offset impacts to an intact tributary reach, however degraded.

APPENDIX 1 (cont'd)

13. NRCS recommended tree and shrub plantings included in the vegetation plan, must be retained or planted in the periphery of the grassed waterway to prevent interference with the hydraulic functions.
14. Grassed waterways that are constructed in conjunction with sod-busting operations in native prairie or rangeland are not authorized by this GP.
15. Erosion and sedimentation must be minimized by implementing the use of cover crops, mulch, hay bale dikes, filter fences, etc. as soon as conditions allow.

APPENDIX I SUMMARY TABLE

Scenario / Application	Authorization under GP	Mitigation Required
Grassed waterways constructed in perennial and natural intermittent streams	No	Not applicable
Grassed waterways requiring subsurface drains or stone centers	No	Not applicable
Grassed waterways constructed in channels that are completely or partially farmed	Yes	No
Grassed waterway rehabilitation/maintenance	Yes	No
Grassed waterways that replace impaired channels and riparian zones	Yes	Site specific, see criterion No. 12
Grassed waterways requiring grade stabilization structures or other suitable outlets	Yes	Site specific, see criterion No. 12
Grassed waterways constructed in conjunction with sod-busting operations in native prairie or rangeland	No	Not applicable

APPENDIX 2
Grade Stabilization Structures

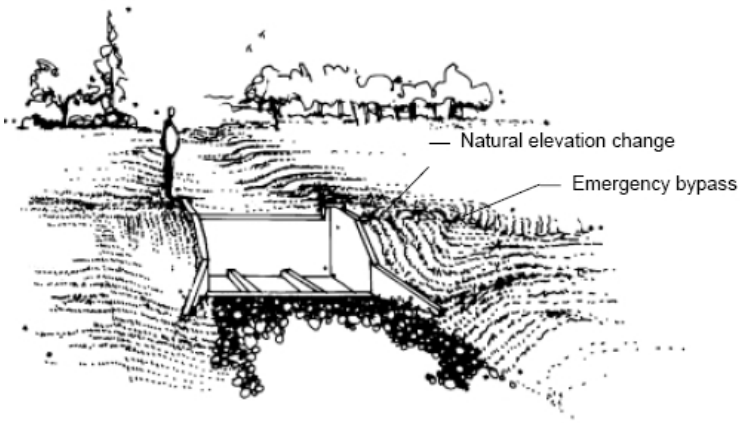
DEFINITION: A structure used to control the grade and head cutting in natural or artificial channels.

PURPOSE: To stabilize the grade and control erosion in natural or artificial channels, to prevent the formation or advance of gullies, headcuts, and to enhance environmental quality and reduce pollution hazards. Examples of grade stabilization structures authorized under this General Permit (GP) include drop spillways, block drop structures and rock chutes. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 410.

CRITERIA: The following criteria are required for GP-40 authorization:

1. Structures proposed in conjunction with embankment ponds or other practices in waters of the United States (WUS), may be authorized, but will be evaluated as a component of the overall proposed project.
2. Grade stabilization structures constructed in or across drainage ways with perennial flow during normal years are not authorized under this GP.
3. The crest of the inlet must be set at an elevation that stabilizes upstream headcutting.
4. Structure must be designed to control the peak runoff from the 10-year storm or to meet the bankfull capacity of the channel, whichever is greater.
5. Disturbed areas, not covered with riprap, must be revegetated as soon as practicable, with plant species recommended by the local NRCS office, excluding Reed canary grass (*Phalaris arundincacea*) and other exotic and invasive species.

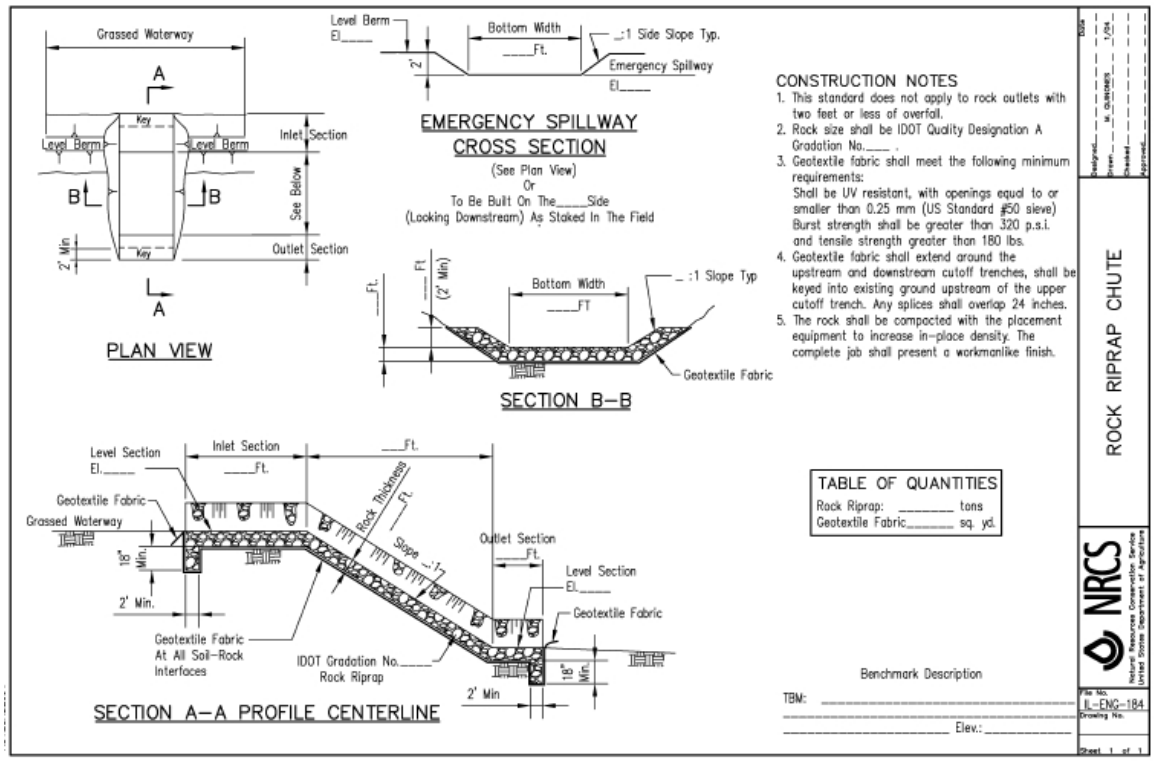
DRAWING 1: Drop spillway illustration. (Source: NRCS National Handbook of Conservation Practices, NRCS Planning and Design Manual, NRCS.)



Reinforced Drop Spillway for Grade Stabilization with Emergency Bypass and Downstream Protection Perspective View

APPENDIX 2 (cont'd)

DRAWING 2: Typical rock chute structure. (Source: NRCS Engineering Standard Drawings).



APPENDIX 2 SUMMARY TABLE

Scenario / application	Authorization under GP	Mitigation Required
Grade stabilization structures constructed in conjunction with a proposed embankment pond or other practices in WUS	Yes, but must be evaluated as a single and complete project (Criterion No. 1).	Possible, site specific
Grade stabilization structures constructed in streams with perennial flow during normal years	No	Not applicable
Grade stabilization structures constructed in intermittent and ephemeral streams	Yes	Possible, site specific

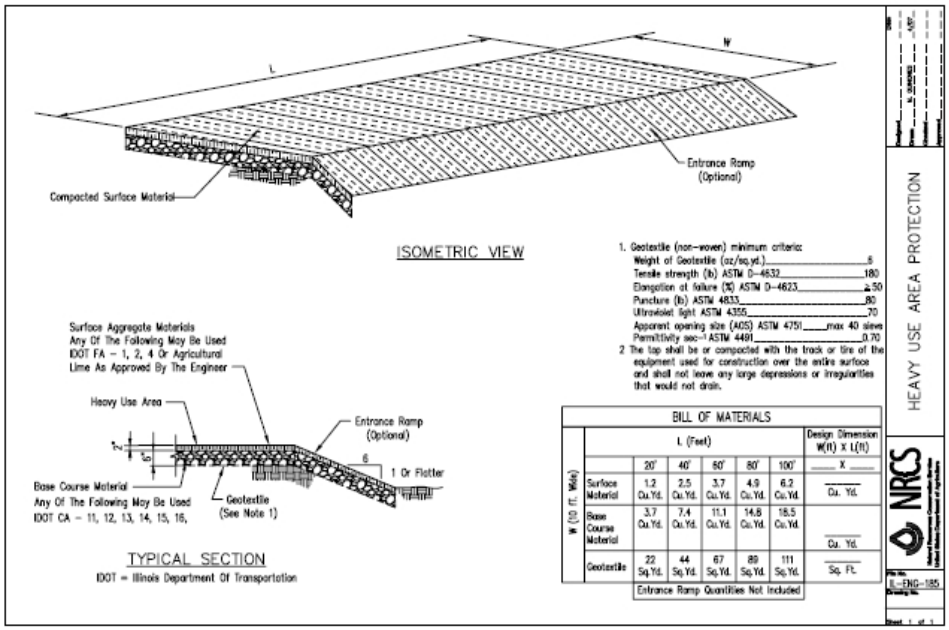
APPENDIX 3
Heavy Use Protection Areas

DEFINITION: The stabilization of areas frequently and intensively used by people, animals or vehicles by establishing vegetative cover, by surfacing with suitable materials, and/or by installing needed structures. Example drawings of heavy use protection areas are provided below. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 561.

PURPOSES:
1. Reduce soil erosion
2. Improve water quantity and quality
3. Improve air quality
4. Improve aesthetics
5. Improve livestock health

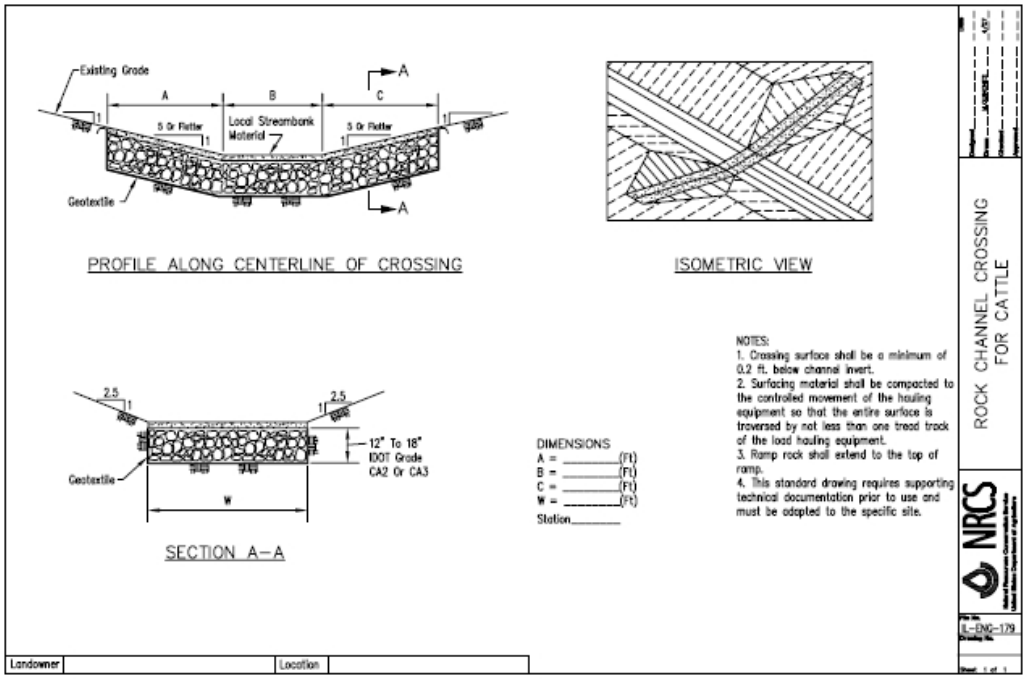
CRITERIA:
1. Heavy use protection areas requiring asphalt applications are not authorized under this General Permit (GP).
2. Disturbed areas, not covered with riprap, must be revegetated with grasses recommended by the local NRCS office, excluding Reed canary grass (*Phalaris arundincacea*) and other exotic or invasive species, as soon as practicable.
3. Heavy use protection areas designed for livestock crossing must not substantially disrupt the necessary life cycle movements of aquatic life, indigenous to the watershed.

DRAWING 1: Typical heavy use protection area for livestock access. (Source: NRCS Engineering Standard Drawings)



APPENDIX 3 (cont'd).

DRAWING 2: Typical heavy use protection area livestock crossing (Source: NRCS Engineering Standard Drawings)



APPENDIX 4
Pipelines

DEFINITION: A pipeline installed where it is desirable or necessary to convey water or manure in a closed conduit from one point to another. Applicable Natural Resources Conservation Service (NRCS) conservation practice standards: Codes 430DD; 430EE; 634; and 516.

PURPOSES:
1. Convey water from a supply source to points of use for livestock, wildlife, or recreation.
2. Transfer plant and animal waste for further utilization.
3. Convey and manage irrigation water and reduce water conveyance loss.

CRITERIA:
1. Pipelines constructed in wetlands must be backfilled with the material removed from the trench.
2. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States, including wetlands.
3. Trench excavation material may be temporarily sidecast in waters of the United States, for up to 3 months, provided the material is not placed in such a manner that it is dispersed by flows, currents, or other events.
4. Sidecast material must not inhibit flows into streams and/or wetlands.
5. Pipelines must avoid wetland impacts to the maximum extent practicable.
6. The written notification must include a detailed map depicting the location of all channel and/or wetland crossings.
7. The written notification must include a revegetation plan for the impacted riparian zones and will follow NRCS recommendations based on the Field Office Technical Guide standards. The seeding plan cannot include Reed canary grass (*Phalaris arundincacea*) or any other exotic or invasive species.
8. Pipelines with waste, must not discharge into waters of the United States, including wetlands.
9. Operation and/or maintenance corridors shall be limited to the minimal width necessary. The notification shall include rationale for the necessary width.

APPENDIX 4 SUMMARY TABLE

Scenario / Application	Authorization under GP	Mitigation Required
Pipelines with waste designed to discharge in waters of the United States	No	Not Applicable
Pipelines requiring temporary sidecasting in waters of the United States	Yes	No, criteria 3 & 4 address sidecast material

APPENDIX 5
Spring and Seep Developments

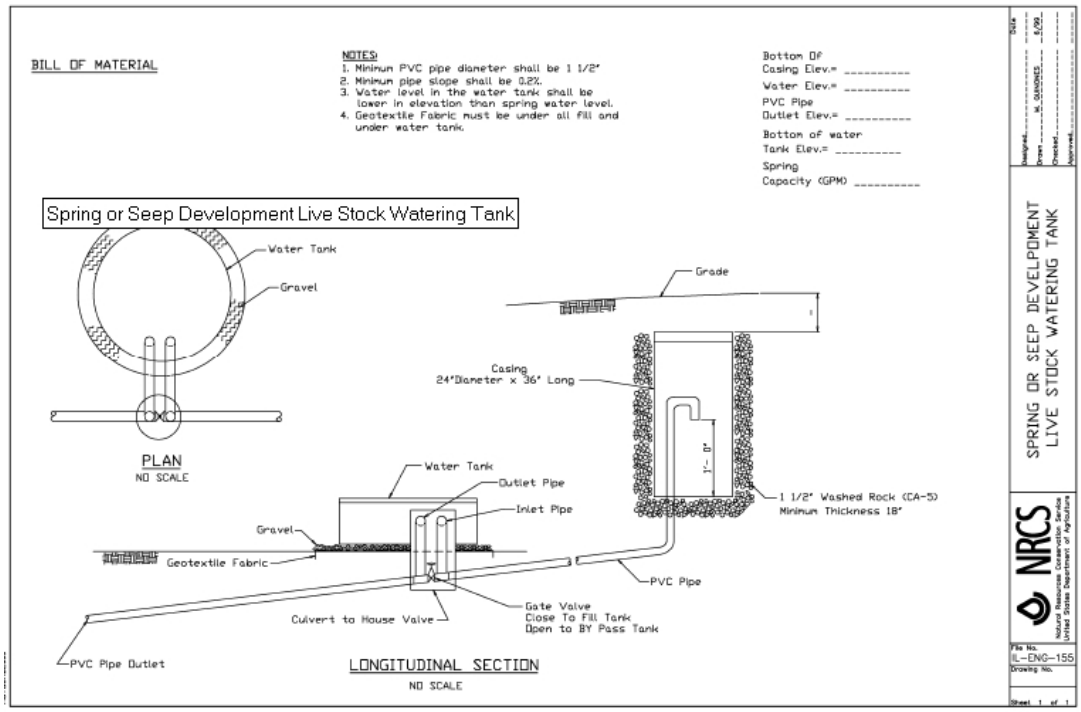
DEFINITION: Collection of water from springs or seeps to provide water for a conservation need. Typically, springs are defined as point source flows where ground water intercepts the surface. Seeps are generally broader areas where ground water intercepts the surface but does not provide a point source surface flow. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 574.

PURPOSES: Improve the quantity and/or quality of water for livestock, wildlife, or other agricultural uses as well as the improvement of grazing distribution on rangeland.

CRITERIA:

1. Areas surrounding the created/improved watering facilities, where animal concentrations or overflow from the watering facility will cause resource concerns, must be protected to maintain or improve water quality.
2. Heavy use protection areas, in conjunction with the spring / seep development, are authorized by this GP.
3. Spring and seep developments, constructed in conjunction with pipeline conveyances, are authorized under this GP.
4. Spring and seep overflow shall be returned, via a stable outlet, to its original drainage course to ensure that aquatic habitats are preserved.
5. Spring and seep developments used to irrigate crops are not authorized under this GP.

DRAWING 1: Typical spring development (Source: NRCS Engineering Standard Drawings).



APPENDIX 6
Ponds

DEFINTION: A water impoundment made by constructing an embankment or by excavating a pit or dugout. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 378.

PURPOSES: To provide water for livestock, fish and wildlife, fire control, and other related uses and to maintain or improve water quality.

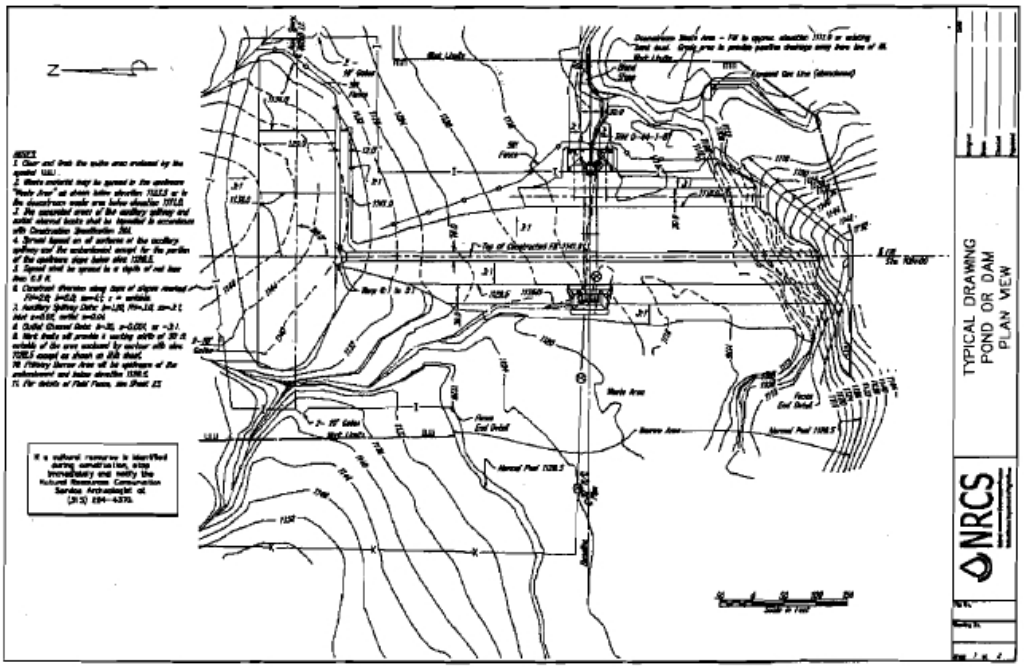
EXEMPTIONS: Some ponds are exempt pursuant Section 404(f)(1)(c) and the Corps will make that determination.

CRITERIA:

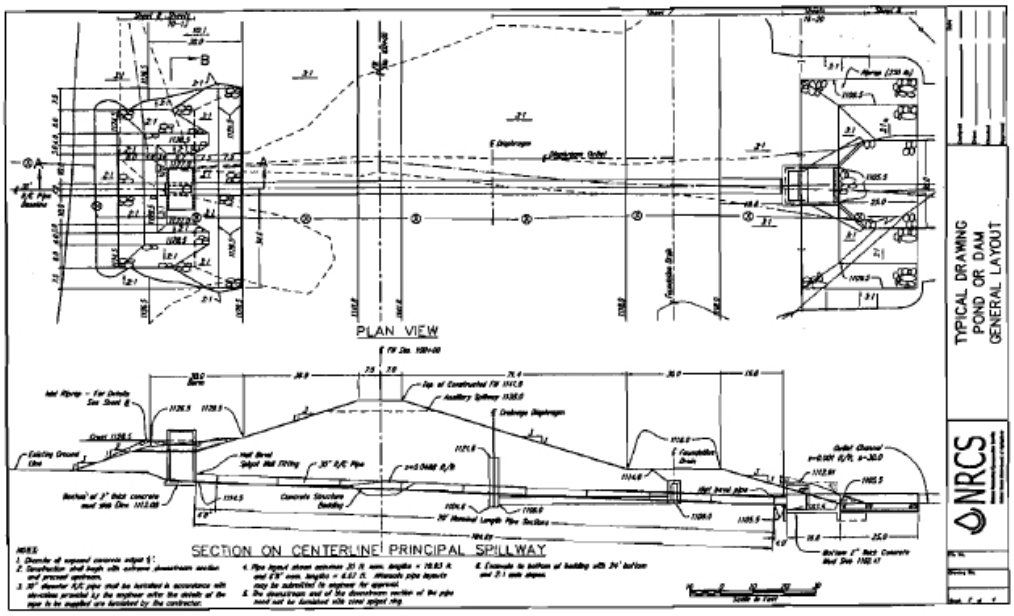
1. Impoundments shall be constructed in environments where failures will not cause the loss of life, damage to homes, highways, roadways; or interruption of the use or service of public utilities.
2. Ponds that have storage capacities of greater than 15 acre feet, at the principal spillway elevation, are not authorized under this GP.
3. Written notification must include the intended purpose(s) of the proposed pond.
4. All exposed surfaces of embankments, auxiliary spillways, outlet channels, borrow areas, spoil, and other disturbed areas adjacent to the reservoir must be seeded to native grasses.
5. Native grasses and vegetation must be recommended by the local NRCS office, adapted to the soil type and climate, and must not include Reed canary grass (*Phalaris arundinacea*) or any other exotic or invasive species.
6. Exclusionary fencing shall be installed to prevent livestock access to the reservoir area, dam, and auxiliary spillway.
7. Ponds constructed for the sole purpose of recreation are not authorized under this GP.
8. The upstream and downstream side slopes of proposed embankments shall not be steeper than 3:1 and 2.5:1 respectively.
9. All impoundments authorized under this GP must meet the mandatory mitigation requirements set forth in stream mitigation guidelines/methods approved by the Corps of Engineers, Kansas City District (KCD).
10. Written notification must include the completed mitigation method worksheets, documenting the appropriate debits and credits associated with the project. The Kansas City District approved stream mitigation methods can be located on the District's Regulatory website at http://www.nwk.usace.army.mil/regulatory/regulatory.htm

APPENDIX 6 (cont'd)

DRAWING 1: Typical pond plan view (Source: NRCS Engineering Standard Drawings).



DRAWING 2: Typical dam / spillway (Source: NRCS Engineering Standard).



APPENDIX 6 (cont'd)

APPENDIX 6 SUMMARY TABLE

Scenario / Application	**Authorization under RGP**	**Mitigation Required**
Multi-use ponds exceeding 15 acre feet storage capacity at the principle spillway elevation	No	Not applicable
Multi-use ponds with storage capacity $\leq$ 15 acre feet at the principle spillway elevation	Yes	Yes, those set forth in the KCD approved stream mitigation methods/guidelines
Ponds constructed for the sole purpose of recreation	No	Not applicable

APPENDIX 7
Diversions

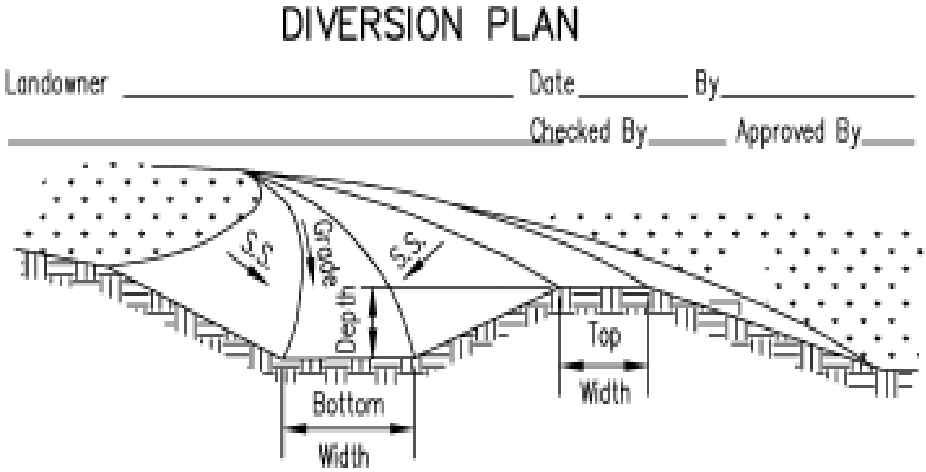
DEFINITION: An artificial channel constructed to divert water from a specific location and direct flow to a desired location. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 362.

PURPOSE: Divert channel flows away from existing feedlot and/or KDHE registered animal feeding operation to eliminate water pollution and improve downstream water quality.

CRITERIA:

1. The proposed diversion must be constructed within an existing feedlot.
2. Diversions constructed to separate clean water runoff and flow from existing agricultural waste facilities are authorized by this GP.
3. Diversion channels built in conjunction with other agricultural waste treatment system improvements are authorized, provided the purpose of the diversion is not to accommodate expanding additions and facilities. Further, if the facility improvements or additions require the diversion of a clean water stream, the project is not authorized by this GP.
4. Diversion channels designed with permanently vegetated channels, must be seeded to grass(es) recommended by the local NRCS office, adapted to soil type and climate, and must not include exotic and invasive species, including Reed canary grass (*Phalaris arundinacea*).
5. Diversions constructed in conjunction with stable outlets such as grassed waterways, grade stabilization structures, waste storage facilities, solid/liquid waste separation facilities, waste treatment lagoons and wastewater treatment strips, are authorized by this GP.
6. Diversions that result in the loss of wetland resources are not authorized under this GP.

DRAWING 1: Typical diversion (Source: NRCS Engineering Standard Drawings).



APPENDIX 7 (cont'd)

APPENDIX 7 SUMMARY TABLE

Scenario/ application	Authorization under RGP	Mitigation Required
Diversions constructed in existing feedlot/KDHE registered facilities	Yes, where the purpose is to separate clean water from contaminated water	Possible, case specific
Diversions constructed to relocate existing channels to accommodate the expansion of an existing feedlot/KDHE registered facility	No	Not applicable
Diversions constructed in association with a new feedlot/KDHE registered facility	No	Not applicable
Diversions constructed in conjunction with other NRCS approved waste treatment and conservation practices (Criterion No. 5)	Yes, where the purpose is to separate clean water from contaminated water as part of an overall improvement or conservation plan to an existing feedlot facility	Possible, case specific

APPENDIX 8
Water and Sediment Control Basins

DEFINTION: An earthen embankment or a combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and water detention basin. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 638.

PURPOSES:
1. Reduce watercourse erosion.
2. Trap sediment.
3. Reduce and manage downstream runoff.
4. Improve downstream water quality.

CRITERIA:
1. This General Permit (GP) does not authorize the construction of water and sediment control basins in wetlands.
2. Water and sediment control basins constructed in conjunction with approved grassed waterways, diversions or other approved practices, are authorized under this GP.
3. Water and sediment control basins must be designed with approved spillways, underground outlets, or soil infiltration outlets.
4. Water and sediment control basins must be constructed in either artificial channels (diversions or waterways) or farmed channels. Those proposed for construction in natural stream channels are not authorized under this GP.
5. Disturbed areas and newly constructed structures must be seeded /planted to grass(es) recommended by the local NRCS office, adapted to soil type and climate, and must not include exotic and invasive species, including Reed canary grass (*Phalaris arundinacea*).

APPENDIX 8 SUMMARY TABLE

Scenario / Application	Authorized under RGP	Mitigation Required
Water and sediment basins constructed in wetlands or natural stream channels	No	Not applicable
Water and sediment basins constructed in conjunction with approved grassed waterways, diversions, or other approved practices	Yes	Possible, case specific.

APPENDIX 9
Wetland creation, enhancement and restoration

DEFINTION: The creation of a wetland on a site that was historically non-wetland; the rehabilitation of a degraded wetland, reestablishment of a wetland so that soils, hydrology, vegetative community, and habitat are a close approximation of the original natural condition; or the inundation of lands to provide habitat for fish and/or wildlife. Applicable conservation practice standards: Codes 356; 646; 657; 658; and 659.

PURPOSES:

1. Create wetland functions
2. Restore wetland functions, values, habitat and diversity
3. Provide habitat for wildlife species such as shorebirds, waterfowl, wading birds, mammals, fish, reptiles, amphibians, etc.
4. Provide specific wetland conditions for targeted functions and species

CRITERIA:

1. The conversion of natural wetlands to another aquatic habitat is not authorized under this General Permit (GP).
2. Activities must result in a net gain in aquatic resource functions and services for authorization under this GP.
3. Activities resulting in a net loss of wetlands are not authorized under this GP.
4. The written notification must include a vegetation plan that must consist entirely of native plant species that are endemic to the area, recommended by the local Natural Resources Conservation Service (NRCS) office, are adapted to the soil type and climate, and must exclude Reed canary grass (*Phalaris arundinacea*).
5. This GP does not authorize the diversion of water supply from other wetland resources.
6. The conversion of a stream to a wetland resource is authorized under this GP, provided the required mitigation requirements, as outlined in Kansas City District approved stream mitigation methods for the state of Kansas, are met. Written notification must include the completed mitigation method worksheets, documenting the appropriate debits and credits associated with the project. The Kansas City District approved stream mitigation methods are located on the District's Regulatory website at http://www.nwk.usace.army.mil/regulatory/regulatory.htm
7. Wetlands constructed on streams, must not exceed 15 acre feet storage capacity at the principal spillway elevation.
8. Dikes constructed in association with approved wetland practices shall have a top width not less than 8 feet and side slopes not steeper than 2:1 horizontal to vertical.

APPENDIX 9 (cont'd)

DRAWING 1: Typical wetland berm cross section (Source: NRCS Engineering Standard Drawing).

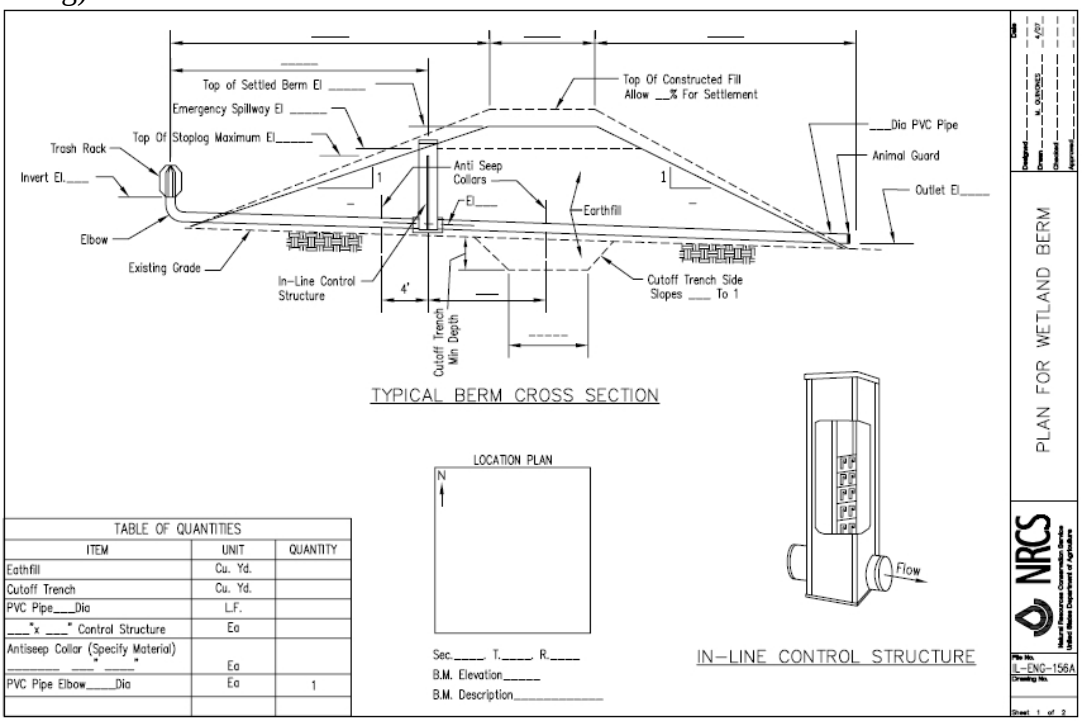
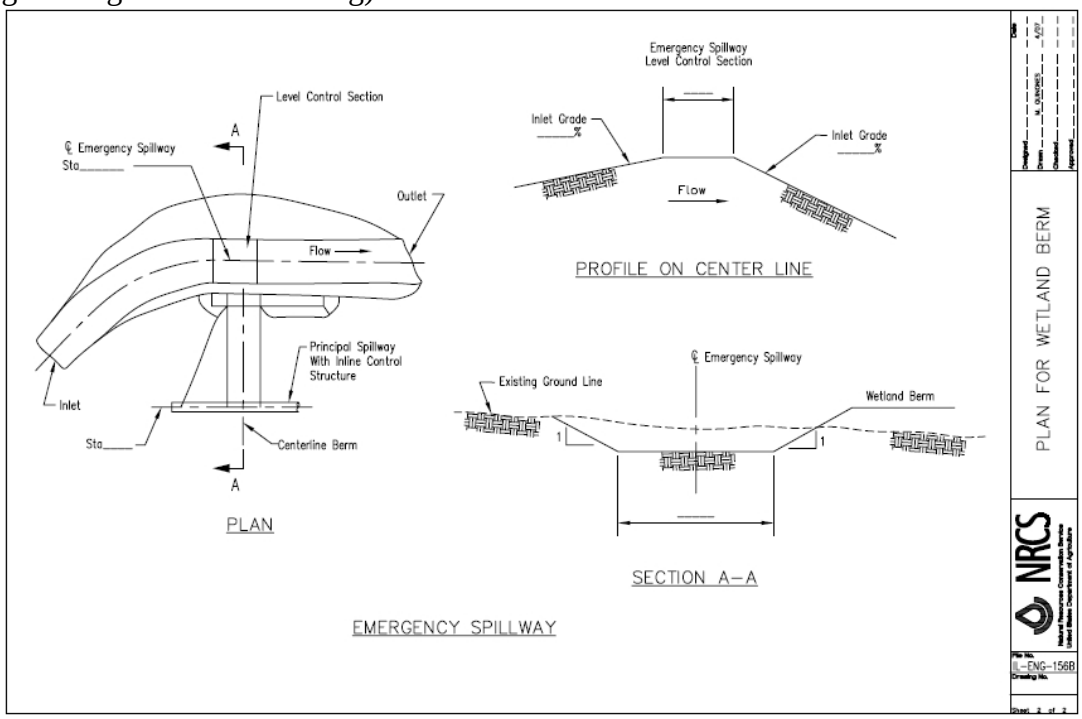


TABLE OF QUANTITIES		
ITEM	UNIT	QUANTITY
Earthfill	Cu. Yd.	
Cutoff Trench	Cu. Yd.	
PVC Pipe___Dia	L.F.	
___"x ___" Control Structure	Ea	
Antiseep Collar (Specify Material) _____ ___" ____"	Ea	
PVC Pipe Elbow____Dia	Ea	1

DRAWING 2: Typical constructed wetland emergency spillway (Source: NRCS Engineering Standard Drawing).



APPENDIX 9 (cont'd)

Scenario / Application	Authorization under RGP	Mitigation Required
Restoration of a historic wetland site	Yes	No
Enhancement of an existing wetland resource	Yes	No
Conversion of natural wetlands to another aquatic habitat	No	Not applicable
Conversion of a stream to a wetland resource	Yes	Yes, see criteria Nos. 5 & 6

APPENDIX 10
Threatened & Endangered Species

The following locations and waters are located within the known range of Federally listed threatened, endangered, or candidate species. The requirements of special condition "e" apply to the following listed species:

a. Arkansas River – That portion flowing through Barton, Cowley, Edwards, Finney, Ford, Gray, Hamilton, Kearny, Kiowa, Pawnee, Reno, Sedgwick and Sumner Counties, excluding that reach upstream of the Kansas Route 27 bridge in Hamilton County and a 12.4 mile reach within the City of Wichita metropolitan area, extending from the westbound land of Kansas Route 96 downstream to Interstate 35 (Arkansas River Shiner, *Notropis girard*i) (Interior Least Tern, *Sterna antillarum* in Sedgwick County only).

b. Cimarron River - That portion flowing through Clark, Comanche, and Meade Counties (Interior Least Tern, *Sterna antillarum* and Arkansas River Shiner, *Notropis girard*i).

c. Cottonwood River - From the point of discharge of Marion Dam to its confluence with the Neosho River in Lyon County (Neosho Madtom, *Noturus placidu*s).

d. South Fork Cottonwood River – Downstream of Bazarr to confluence with Cottonwood River (Neosho Madtom, *Noturus placidu*s).

e. Neosho River - From the point where it discharges from Council Grove Reservoir in Morris County to the point where it leaves Lyon County and from the point where it discharges from John Redmond Reservoir in Coffey County to the Kansas-Oklahoma border in Cherokee County (Neosho Madtom, *Noturus placidu*s).

f. Spring River - The entire main stem portion within the state of Kansas in Cherokee County (Neosho Madtom, *Noturus placidu*s).

g. Cow Creek and tributaries - A 144 square mile area within Crawford County whose western boundary is highway K-7, whose southern boundary is the Crawford/Cherokee county line, whose eastern boundary is the Kansas/Missouri state line and whose northern boundary is highway K-57 east of the town of Girard extended to the state line. Also included in this area is all of Cow Creek in Cherokee County (Gray Bat, *Myotis grisescen*s).

h. Kansas River – From its origin in Geary County downstream to Lecompton in Shawnee County (Interior Least Tern, *Sterna Antillarum* and Piping Plover, *Charadrius melodu*s). Portions of the lower Kansas River in Atchinson, Doniphan, Douglas, Jefferson, Leavenworth, and Wyandotte counties (Pallid sturgeon, *Scaphirhynchus albus*).

i. Missouri River – Portions of the Missouri River in Atchinson, Doniphan, Douglas, Jefferson, Leavenworth, and Wyandotte counties (Pallid sturgeon, *Scaphirhynchus albus*).

j. The following locations may contain the Topeka Shiner, *Notropis topeka,* which has been listed as endangered:

1. **Butler County** – Headwaters of the South Fork Cottonwood River (Sec. 4, 9, 16 & 21 T23S, R8E).
2. **Chase County** – Bloody Creek, Collett Creek, Diamond Creek, Gannon Creek, Jack Creek, Little Cedar Creek, Mercer Creek, Mulvane Creek, Rock Creek, Schaeffer Creek, Shaw Creek, Unnamed tributary of Thurman Creek (Sec. 31 & 32 T22S, R9E), Unnamed tributary of Mercer Creek (Sec. 30 & 31 T22S, R 8E), Middle Creek, Unnamed tributary of Middle Creek (Sec. 4, 9 & 10 T19S, R6E), Unnamed tributary of Diamond Creek (Sec. 9 T19S, R7E), Unnamed tributary of Fox Creek (Sec. 31 T18S, R8E).
3. **Dickinson County** – Cary Creek, Middle Branch Lyons Creek, Rock Springs Creek, West Brach Lyons Creek.
4. **Geary County** – Rock Springs Creek, Davis Creek.
5. **Greenwood County** – Thurman Creek, Unnamed tributaries of Thurman Creek (Sec. 6 T23S, R9E; Sec. 1 T23S, R8E).
6. **Marion County** – Collett Creek, Middle Creek, Mud Creek.
7. **Marshall County** - North Elm Creek, Clear Fork Creek.
8. **Morris County** - Collett Creek, Middle Creek, Tributaries to Diamond Creek.
9. **Pottawatomie County** - Clear Fork Creek.
10. **Riley County** – Deep Creek, Seven-Mile Creek, Little Arkansas Creek, Walnut Creek, Wildcat Creek.
11. **Shawnee County** – Mission Creek.
12. **Wabaunsee County** – East Branch Mill Creek, Hendricks Creek, Illinois Creek, Kuenzli Creek, Loire Creek, Mission Creek, Mulberry Creek, Nehring Creek, Paw Paw Creek, Spring Creek (Paxico), Spring Creek (Tributary of West Branch Mill Creek), South Branch Mill Creek, West Branch Mill Creek.
13. **Wallace County** - Willow Creek.

k. The following waterways maintain critical habitat for the Whooping Crane, *Grus americana*:

1. **Walnut Creek** – in Ness, Rush and Barton Counties which feeds Cheyenne Bottoms.
2. **Cheyenne Bottoms –** All water bodies within Cheyenne Bottoms.
3. **Rattlesnake Creek** – in Edwards, Stafford and Pratt Counties which feeds Quivera National Wildlife Refuge.
4. **Quivira National Wildlife Refuge –** All water bodies within Quivera National Wildlife Refuge.

5. In addition to the listed waterways, whooping cranes may be found in Clark, Cloud, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Graham, Gray, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, McPherson, Meade, Mitchell, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Smith, Stafford, Stanton, Sumner and Trego counties.

l. The following counties contain confirmed populations of Meads milkweed, *Asclepias meadii* which has been listed as threatened.

1. Allen, Anderson, Bourbon, Coffey, Crawford, Douglas, Franklin, Jefferson, Johnson, Leavenworth, Linn, Miami, and Neosho.

m. The following counties contain confirmed populations of Western prairie fringed orchid, *Platanthera praeclara* which has been listed as threatened.

1. Douglas, Jefferson, Leavenworth, Linn, Miami, and Neosho.

n. The following counties contain populations of American burying beetle, *Nicrophorus americanus* which has been listed as endangered.

1. Chautauqua, Elk, Montgomery, and Wilson.

o. The eastern tier of Kansas counties contains suitable habitat, such as caves and roost trees, for the Indiana bat, *Myotis sodalist,* which is listed endangered.

p. The following list includes locations, waterways or habitats for the Federal candidate species listed below:

1. **Arkansas darter,** *Etheostoma cragini,* in vegetated wetlands and springfed pools in the mainstem and tributaries to the Arkansas, Cimarron, Medicine Lodge, Chikaskia, Ninnescah, and Spring Rivers in Barber, Barton, Cherokee, Clark, Comanche, Cowley, Harper, Kingman, Kiowa, Meade, Pratt, Reno, Rice, Sedgwick, Seward, Stafford and Sumner Counties.

2. **Neosho mucket,** *Lampsilis rafinesqueana***,** in riverine runs, shoals, and riffles with gravel substrates and moderate currents in the Fall, Verdigris, Neosho, Cottonwood, and Spring Rivers in Allen, Chase, Cherokee, Coffey, Greenwood, Labette, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties.

3. **Spectaclecase,** *Cumberlandia monodonta***,** in the Marais des Cygnes River in Linn County.

4. **Lesser prairie-chicken,** *Tympanuchus pallidicinctus,* found in shortgrass and sandsage prairie and some cropland in Barber, Clark, Comanche, Edwards, Ellis, Finney, Ford, Gove, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Lane, Logan, Meade, Morton, Ness, Pawnee, Pratt, Rush, Scott, Seward, Sherman, Stafford, Stanton, Stevens, Trego, Wallace, and Wichita counties.

APPENDIX 11
Subsurface Drainage

DEFINITION: A conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 606.

PURPOSE: To improve the soil environment for vegetative growth, reduce erosion, and improve water quality by:
1. Regulating water table and ground water flows.
2. Intercepting and preventing water movement into a wet area.
3. Serving as an outlet for other subsurface drains.

SPECIAL CONDITIONS:
1. Subsurface drains authorized by this GP must be constructed within a grassed waterway and meet requirements of Kansas Minimal Effect Exemption: KS-2 Terrace System Upgrade from Grassed Waterway/Vegetated Outlet to a Shaped Grassed Waterway with Subsurface Drainage Worksheet.
2. Disturbed areas must be revegetated with grasses recommended by the local NRCS office, excluding Reed canary grass (*Phalaris arundinacea*) and other exotic or invasive species, as soon as practicable.
3. Subsurface drains must discharge into an underground outlet or onto an area either stabilized with vegetation (i.e., grassed waterway, critical area planting, buffer vegetation), a vegetative splash pad as illustrated in the attachments for the Kansas Minimal Effect Exemptions, or other similar area approved by NRCS.
4. Subsurface drains **may not** discharge directly into a stream.
5. Trench excavation material may be temporarily side cast in waters of the United States, for up to 3 months, provided the material is not placed in such a manner that it is dispersed by flows, currents, or other events.
6. Subsurface drain rehabilitation/maintenance associated with the rehabilitation/maintenance of a grassed waterway is authorized by this GP.
7. This practice is limited to existing grassed waterways and other stable outlets built before December 23, 1985.
8. The drainage area must be equal to or less than 120 acres.

KANSAS MINIMAL EFFECT EXEMPTION: KS-2 TERRACE SYSTEM UPGRADE FROM GRASSED WATERWAY/VEGETATED OUTLET TO A SHAPED GRASSED WATERWAY WITH SUBSURFACE DRAINAGE WORKSHEET

Landowner		Tract	
County		Legal	

	Yes	No	
1) Were the terraces and/or waterway installed before December 23, 1985	☐	☐	
2) Is the potential wetland dominated by vegetation such as willow or cottonwood trees or reed canarygrass	☐	☐	
If either 1 or 2 are No, the exemption does not apply			
3) Is the waterway/vegetated outlet dominated by introduced grasses such as brome or fescue	☐	☐	
4) Does the drainage area contribute to an impaired water body	☐	☐	
If the answer to 4 is yes, list the impariment http://www.kdheks.gov/tmdl/index.htm			
If the answer to 4 is yes, have best management practices been considered to reduce the maximum pollutant load for the impairment	☐	☐	
5) Exemption Calculation: Yes = 0.1, No = 0.3	Yes	No	
a.) The area is an outlet for a terrace system	☐	☐	
b.) Gully erosion (classic or ephemeral) is occurring within or parallel to the grassed waterway/vegetated outlet	☐	☐	
			Actual
c.) The grassed waterway/vegetated outlet is = or < 150 feet wide	☐	☐	
d.) Drainage area is '= or < 120 acres	☐	☐	
e.) Grassed waterway/vegetated outlet grade is '= or > 3 percent	☐	☐	
	0.0		

If the score is 0.5 it Meets the exemption
If the score is 0.6 or more it Does Not meet the exemption

I certify the information in this Minimal Effect Exemption Worksheet.

Signature _____ Date _____

Has the CPA-52 been completed: Yes ☐ No ☐

NOTE: If questions 1 and 2 are answered yes, the area will be Prior Converted Cropland (reference National Food Security Act Manual, 514.30)

NOTE: For subsurface drain guidance or manure application to a crop field see Engineering Guidance Document for KS-1 and attachments

pw: water

APPENDIX 12
Underground Outlets

DEFINITION: A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet. Applicable Natural Resources Conservation Service (NRCS) conservation practice standard: Code 620.

PURPOSE: To dispose of excess water from terraces, diversions, subsurface drains, surface drains, trickle tubes, principal spillways from dams (outside the dam area only), or other concentrations without causing damage by erosion or flooding.

SPECIAL CONDITIONS:

1. Underground outlets authorized by this General Permit (GP) must be constructed to meet requirements of Kansas Minimal Effect Exemption: KS-1 Terrace System Conversion from Grassed Waterway/Vegetated Outlet to Underground Outlet Worksheet.
2. Vegetation establishment associated with underground outlets must exclude Reed canary grass (*Phalaris arundinacea*) and other exotic or invasive species.
3. Underground outlets must discharge onto an area either stabilized with vegetation (i.e., grassed waterway, buffer vegetation), vegetative splash pad as illustrated in the attachments for the Kansas Minimal Effect Exemptions, or other similar area approved by NRCS.
4. Underground outlets **may not** discharge directly into a stream.
5. Trench excavation material may be temporarily side cast in waters of the United States, for up to 3 months, provided the material is not placed in such a manner that it is dispersed by flows, currents, or other events.
6. Drainage must be equal to or less than 80 acres.

KANSAS MINIMAL EFFECT EXEMPTION: KS-1 TERRACE SYSTEM CONVERSION FROM GRASSED WATERWAY/VEGETATED OUTLET TO UNDERGROUND OUTLET WORKSHEET

Landowner		Tract	
County		Legal	

	Yes	No
1) Were the terraces and/or waterway installed before December 23, 1985	☐	☐
2) Is the potential wetland dominated by vegetation such as willow or cottonwood trees or reed canarygrass	☐	☐

If either 1 or 2 are No, the exemption does not apply

3) Is the waterway/vegetated outlet dominated by introduced grasses such as brome or fescue	☐	☐
4) Does the drainage area contribute to an impaired water body	☐	☐
If the answer to 4 is yes, list the impariment http://www.kdheks.gov/tmdl/index.htm		
If the answer to 4 is yes, have best management practices been considered to reduce the maximum pollutant load for the impairment	☐	☐

5) Exemption Calculation: Yes = 0.1, No = 0.3	Yes	No	Actual
a.) The area is an outlet for a terrace system	☐	☐	
b.) Gully erosion (classic or ephemeral) is occurring within or parallel to the grassed waterway/vegetated outlet	☐	☐	
c.) The grassed waterway/vegetated outlet is = or < 150 feet wide	☐	☐	
d.) Drainage area is = or < 80 acres	☐	☐	
e.) Grassed waterway/vegetated outlet grade is '= or > 3 percent	☐	☐	
Score	0.0		

If the score is 0.5 it Meets the exemption

If the score is 0.6 or more it Does Not meet the exemption

I certify the information in this Minimal Effect Exemption Worksheet

Signature _____ Date _____

Has the CPA-52 been completed: Yes ☐ No ☐

NOTE: If questions 1 and 2 are answered yes, the area will be Prior Converted Cropland (reference National Food Security Act Manual, 514.30)

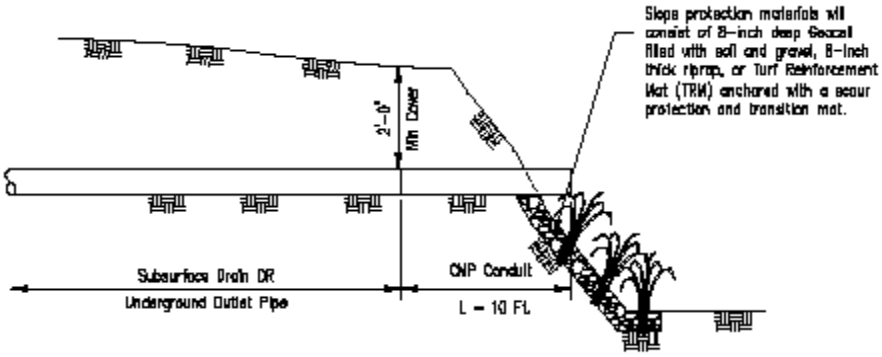
NOTE: If a terrace and underground outlet system is replacing a grassed waterway/vegetated outlet or manure is being applied to a crop field see Engineering Guidance Document for KS-1 Exemption and attachments

pw: water

Vegetated Splash Pad Designs for
Subsurface Drain and Underground Outlets

Attachment #1 to Engineering Guidance Document for KS-1 Exemption,

Vegetated Splash Pad on Channel Bank



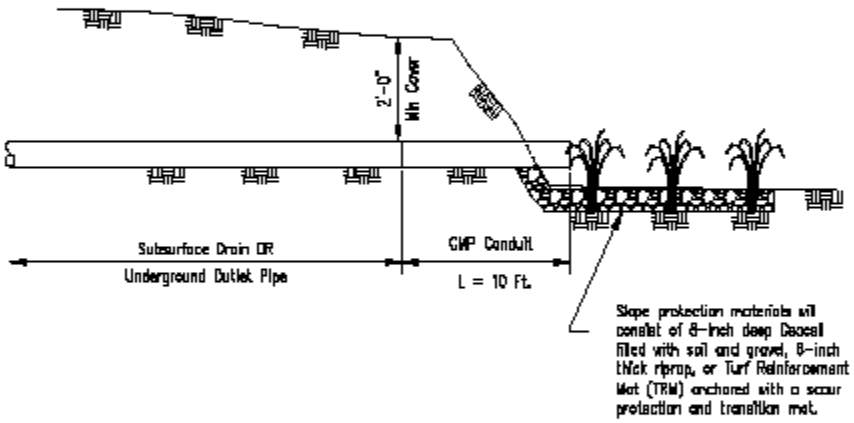
Notes:
1. Plant vegetation prior to placing 8-inch riprap or TRM, if used.
2. The 8-inch geocell will be filled with 2" of soil material at the bottom and then filled to the top of the geocell with 3-inch gravel material.
3. Plant vegetation in soil material prior to placement of gravel material.
4. Minimum width of slope protection will be 8 feet.
5. Minimum length of slope protection will be 10 feet.

KS-UD-1

NRCS
Natural Resources Conservation Service
United States Department of Agriculture

VEGETATED SPLASH PAD DETAIL
Outlet on channel bank

Vegetated Splash Pad near Channel Bottom



Notes:
1. Plant vegetation prior to placing 8-inch riprap or TRM, if used.
2. The 8-inch geocell will be filled with 2" of soil material at the bottom and then filled to the top of the geocell with 3-inch gravel material.
3. Plant vegetation in soil material prior to placement of gravel material.
4. Minimum width of slope protection will be 8 feet.
5. Minimum length of slope protection will be 10 feet.

KS-ITD-2	NRCS Natural Resources Conservation Service, United States Department of Agriculture	VEGETATED SPLASH PAD DETAIL Outlet on channel bottom	Drawn Checked Approved

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 28 2012

Mr. Luke M. Cory
Regulatory Team Leader
U.S. Army Corps of Engineers
Kanopolis Regulatory Field Office
107 Riverside Drive
Marquette, Kansas 67464

Dear Mr. Cory:

RE: GP 40 Modification (2007-01915) 401

This letter completes the U.S. Environmental Protection Agency, Region 7's, consideration of water quality certification for general permit GP 40 Modification (2007-01915) as effective in Indian country in Region 7. This letter transmits the EPA Region 7's water quality certification under Section 401 of the Clean Water Act (Public Law 95-217), as amended in 1977. See enclosed water quality certification document.

The CWA requires that an applicant for a federal permit such as GPs issued by the Corps of Engineers under Section 404 of the CWA must obtain certification from the water pollution control agency having CWA jurisdiction over the water resources where the discharge originates. Such certification documents reasonable assurance that the discharge proposed will comply with the applicable provisions under Sections 301, 302, 303, 306 and 307 of the CWA. Presently, the tribes in Region 7 do not have the EPA-approved programs for issuing Section 401 certifications on water resources within the borders of an Indian reservation. In the absence of the EPA-approved programs, the EPA provides the certification determination applicable to the GPs in Indian country.

The EPA Region 7 appreciates the Corps coordination during this process. If you have any questions, please contact Jennifer Ousley of my staff at (913) 551-7498.

Sincerely,

Steve Kovac
Chief
Watershed Planning and Implementation Branch

Enclosure

RECYCLED FIBER

USEPA Region 7 Clean Water Act Section 401 Water Quality Certification for Corps of Engineers CWA Section 404 GP 40 Modification (2007-01915) for Activities/Projects located in Indian Country in Region 7

Section 404 Permit: General Permit - GP 40 Modification (2007-01915)

Description: This GP proposed modification would authorize to add the Natural Resources Conservation Service conservation practices of subsurface drainage to address the gully erosion occurring in existing grassed waterways and other stable outlets build pre-1985. This GP is effective for all waters of the United States, including wetlands, in the State of Kansas (including Indian Country within Kansas boundaries).

Indian Country: Iowa Tribe of Kansas and Nebraska, Kickapoo Tribe of Kansas, Prairie Band Potawatomi Nation, and Sac and Fox Nation of Missouri in Kansas and Nebraska

Background:

Section 401 of the Clean Water Act (CWA) (Public Law 95-217), as amended in 1977, requires that an applicant for a federal permit such as a CWA Section 404 regional general permit must obtain certification that the discharge will comply with the applicable provisions of Sections 301, 302, 303, 306 and 307 of the CWA. All General Permits (GPs) require a certification prior to issuance; therefore, this Certification is a condition of this proposed federal permit.

Presently, the tribes in Region 7 do not have the U.S. Environmental Protection Agency (EPA)-approved water quality standards or Section 401 certification programs for the purpose of issuing 401 certifications on water resources within the borders of an Indian reservation and therefore cannot issue certification. In the absence of the EPA-approved programs, the EPA makes the certification determination. In determining water quality standards for certification, the EPA considers any tribal, federal, adjacent state standards, and any of the EPA guidance for the water quality standards program such as water quality criteria published under Section 304(a) of the CWA and the Water Quality Standards Handbook. The EPA also consults with affected federally recognized tribes regarding their concerns when evaluating federal permits for certification under Section 401 of the CWA.

On December 29, 2011, the EPA provided public notice and an opportunity to comment on the EPA's consideration of certification for GP 40 Modification (2007-01915). No comments were received by the EPA during the public comment period.

Determination:

On the basis of the final GP, and as provided under Section 401(a)(1) of the CWA, the EPA certifies that when the general conditions are met, this GP will comply with applicable provisions of the CWA, including Sections 301, 302, 303, 306 and 307. This Certification reasonably ensures that discharges in compliance with the limitations and conditions of the GP and the conditions herein will not violate applicable water quality standards or any applicable effluent guidelines or standards.

Approved:

The EPA Region 7 approves this GP's proposed activities/projects *provided* they comply with the general conditions described in this Certification and where there is reasonable assurance that the proposed activities/projects will comply with the applicable provisions of the CWA.

General Conditions

- This certification does not relieve the applicant of the responsibility to comply with applicable local, tribal, state, federal regulations or statutes, including regulations affecting any discharge into waters of the U.S.

- Copies of this certification shall be kept on the job site and readily available for reference by tribal members, personnel from the Corps of Engineers and the EPA, the construction supervisor, construction managers and foremen.

- If the project is constructed and/or operated in a manner not consistent with the regional general permit, the permittee will be in violation of this certification.

- Any emergency or otherwise future action at the project location that is not defined in the project description in the attached permit is not covered by this certification; therefore, the applicant must reapply with an updated application.

- During construction and upon completion of the project, all practicable measures and precautions must be taken to prevent pollution affecting public health, fish, shellfish, wildlife and recreation due to turbidity, pH, temperature, nutrients, suspended solids, floating debris, visible oil and grease or other pollutants entering waters of the U.S., including wetlands.

- All equipment operated within any water of the U.S must be cleaned away from waters of the U.S. and maintained to prevent fuel and oil leaks. These methods include, but are not limited to: off-site/upland fuel and oil storage and refueling areas, on-site spill containment equipment, a spill contingency plan and spill prevention/contaminant training for on-site personnel.

- Should a spill of petroleum products or chemicals occur, immediately call the National Response Center at (800) 424-8802 and the appropriate Tribal Environmental Office.

- Ground disturbance shall not exceed the minimum necessary to complete the project.

- All projects must avoid discharges to the maximum extent practicable, and utilize the best available and practicable means of minimizing the adverse impact of discharges that cannot be avoided. In some cases, compensatory mitigation may be required in addition to the avoidance and minimization measures. Compensatory mitigation projects must comply with the Corps Regulatory Program and the EPA adopted requirements and standards to improve compensatory mitigation practices for offsetting losses of aquatic resource functions [33 CFR part 332 on April 10, 2008 (73 FR 19594)].

The rule is available at:
http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf

- Native vegetation, especially riparian corridors, should be protected during construction with locations disturbed by construction activities returned to pre-project conditions. This shall include restoration of surface contours, stabilization of the soil and restoration of appropriate native vegetation lost during construction to establish permanent cover.

- Any bank stabilization activities should utilize bioengineering techniques (e.g. willow plantings, root wads, large woody debris, etc.) or combination of hard-armoring (e.g. rock) and bioengineering techniques to the maximum extent practicable.

- Non-native plant species such as reed canarygrass (*Phalaris arundinacea*), Caucasian bluestem (*Bothriochloa bladhii*), smooth brome (*Bromus inermis*), crownvetch (*Securigera varia*), and bird's-foot trefoil (*Lotus corniculatus*) are NOT appropriate as revegetation plantings for erosion control measures, restoration and/or mitigation. The use of native plant species is strongly encouraged.

- Measures shall be taken to prevent the spread of invasive species. Project locations containing invasive species should be treated using appropriate control methodologies before construction begins to reduce the potential for off-site spread. Clean and certified weed-free seed should be used for vegetative restoration projects. Propagative materials (seeds, plugs, plants, etc.) containing any Federal- or State-listed Noxious Weed and/or Watch List Plant Species should be rejected.

- All straw and/or mulch hay used for erosion control measures, restoration and/or mitigation should be certified as weed free using North American Weed Free Forage Program standards.

  Iowa Noxious Weed Seed Free Forage & Mulch Program
  http://www.agron.iastate.edu/icia/Forage_Mulch.htm

  Kansas Certified Weed Free Forage and Mulch Program
  http://www.ksda.gov/plant_protection/content/353

  Missouri Crop Improvement Association - Weed Free Hay & Forage Program
  http://www.moseed.org/WeedFreeForage.htm

  Nebraska Weed Free Forage Program
  http://neweedfree.org/Default.aspx

If you have questions regarding this certification, contact the EPA Region 7 at (913) 551-7003 or 1-(800)-223-0425 and ask to speak to someone about water quality certification for Section 404 permits.

Certification Approved by EPA Region 7:

I certify that I am approving the Regional General Permit - GP 40 Modification (2007-01915) 401.

3/28/12
Date

Steve Kovac, Chief
Watershed Planning and Implementation Branch
Water, Wetlands and Pesticides Division

KANSAS
DEPARTMENT OF HEALTH
AND ENVIRONMENT
Division of Environment

Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

www.kdheks.gov

March 7, 2008

Mr. Matthew J. Mikulecky
Kanopolis Satellite Office
107 Riverside
Drive, Marquette, Kansas 67464,

Section 401 Water Quality Certification

RE: Section 404 GP 40- 2007-1915

"STATE OF KANSAS PROPOSED ISSUANCE OF A REGIONAL GENERAL PERMIT AGRICULTURE CONSERVATION PRACTICES.

In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986, Federal Register, the U.S. Army Corps of Engineers, Kansas City District proposes to issue a regional general permit which would authorize the following Natural Resources Conservation Service (NRCS) designed or approved agriculture conservation practices for a period of 5 years:

1. Grassed waterways
2. Grade stabilization structures
3. Heavy use protection areas
4. Pipelines
5. Spring developments
6. Ponds
7. Diversions
8. Water and sediment control basins
9. Wetland enhancement, creation and restoration

Due to comments from coordination with interested agencies the following modifications were made to the original public notice for the above practices to be implemented in the State of Kansas:

BUREAU OF WATER – WATERSHED MANAGEMENT SECTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367
Voice 785-296-4195 Fax 785-296-5509
http://www.kdheks.gov/nps/index.html

Modifications:

1. Grassed Waterways:
    - Will not be authorized in perennial or natural intermittent streams.
    - Seeding plan may be selected by the producer, to meet the producer's needs, however, the seeding plan must be recommended by NRCS and the Corps has discretionary authority to require native grass as a mitigation measure in case specific situations.
    - Will authorize rehabilitation/maintenance of existing grassed waterways.
2. Grade Stabilization Structures:
    - May be authorized as a stand alone project or in conjunction with other approved practices covered under GP-40.
3. Heavy Use Protection Areas:
    - No change
4. Pipelines:
    - Language will be added to specify the prohibition of the draining of wetlands.
    - Language will be added to prohibit the side-casting of material in a manner that inhibits flows into streams and wetlands.
5. Spring and seep developments:
    - Criterion prohibiting the use of s/s developments to irrigate crops.
6. Ponds:
    - Removal of "recreation" from the list of purposes.
7. Diversions:
    - Seeding plan may be selected by the producer, to meet the producer's needs, however, the seeding plan must be recommended by NRCS and the Corps has discretionary authority to require native grass as a mitigation measure in case specific situations.
    - To avoid confusion and being too restrictive, the term "existing feedlot and/or KDHE registered animal feeding operation" will be used rather than CAFO.
    - Also to provide clarity, "other appropriate NRCS practices" will be identified as Waste Storage Facilities (Code 313); Solid/Liquid Waste Separation Facility (Code 632); Waste Treatment Lagoon (Code 359); and Wastewater Treatment Strip (Code 635). All of these activities must occur outside WOUS, however.
8. Water and Sediment Control Basins:
    - Criterion with specific language will be added that states WSCBs are only authorized in artificial (diversions or waterways) channels or farmed channels.
9. Underground Outlets (Activity No. 9) have been removed from GP-40 consideration as a stand alone activity. Therefore, Wetland enhancement, creation and restoration will assume the No. 9 position.

10. Wetland Enhancement, Creation, and Restoration:
    - Criteria No. 1 will be replaced with a criterion that prohibits "the conversion of natural wetlands **to another aquatic habitat**". This will address EPA/FWS primary concern with "enhancement" activities.
    - Like Ponds (Activity No. 6), a criterion will be added to establish a 15 acre foot threshold, at principle spillway elevation, for the conversion of a stream to a wetland. These activities require compensatory mitigation pursuant the KSMGs or MSMM."

Dear Mr. Mikulecky:

The Kansas Department of Health and Environment has received your request for Section 401 Water Quality Certification. The KDHE concurs with the USACE's modification as discussed in several multi-agency meetings. Additionally, the KDHE has determined the project has the following water pollutant discharge sources:

1. Grassed waterways
2. Grade stabilization structures
3. Heavy use protection areas
4. Pipelines
5. Spring developments
6. Ponds
7. Diversions
8. Water and sediment control basins
9. Wetland enhancement, creation and restoration

Discharges from these sources if not minimized or otherwise controlled may cause violations of the provisions of Kansas Water Quality Standards found at KAR 28-16-28 et seq.

Pursuant to Section 401and KAR 28-16-28(c) the Kansas Department of Health and Environment finds this project will not result in a violation of Kansas Water Quality Standards and herewith issues a Water Quality Certification for execution and subsequent operation of the project subject to the following conditions:

I. **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 appropriate individual at the following numbers:

Environmental Protection Agency Region VII Indian Lands Contact, 913/551-7498
Prairie Band Pottawatomie 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, 785/742-4707

II.

General Conditions

1. **Certification Retention:** 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** and to secure such permit as necessary. Questions and inquiries may be directed to:

Mr. Larry Hook
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
www.kdheks.gov/stormwater

3. **Project Water Quality Protection Plan:** Any person wishing to use a Section 404 GP 40 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. (Activities requiring a construction stormwater permit, as described above, also require a stormwater pollution prevention plan which will serve as the PWQPP.)

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 #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 (**.**) mile of an Outstanding National Resource Water as defined pursuant to **K.A.R. 28-16-28b(pp)** and **K.A.R. 28-16-28c(a)B(3)**, an Exceptional State Water pursuant to **K.A.R. 28-16-28b(y)** 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(b)(2)(A), the person responsible for initiating the activity shall submit a copy of the PWQPP to:**

Kansas Department of Health and Environment
Bureau of Water - Watershed Management Section
1000 SW Jackson Street, Suite 420
Topeka, Kansas 66612-1367
nps@kdhe.state.ks.us

A table and state map of **Outstanding National Resource Waters, Exceptional State and Special Aquatic Life Support Use Waters** can be found at: http://www.kdheks.gov/nps/resources/specwaterinfo.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
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. II. 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. 28-16-28b (uu)(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 **www.kdhegov/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 apprize 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 (.) mile upstream or one-half (.) 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

13. **Total Maximum Daily Load:** Any Section 404 activity within a watershed with a Total Maximum Daily Load (the amount of pollution a water body can receive and maintain its designated uses: see http://www.kdheks.gov/tmdl/index.htm) is strongly encouraged to contact the assigned KDHE watershed field coordinator. A service area map for the three watershed field coordinators is attached (see www.kdheks.gov/nps) once construction is started.

III. Special Conditions for Specific Activities

1. Authorization by this permit does not relieve the responsibility from any person or entities proposing to construct or implement practices involved with concentrated animal feeding as defined in K.A.R.28-18-1 et. Seq., and/or as defined in K.S.A. 65-171d, to determine if a state or federal water pollution control permit from the Kansas Department of Health and Environment is required.

Contact: Mr. Terry Medley, Chief
Kansas Department of Health and Environment
Bureau of Water –Livestock Waste Management
Section 1000 SW Jackson Street, Suite 420
Topeka, Kansas 66612-1367
Phone: 785/296-5527; FAX: 785/296-5509
www.kdheks.gov/feedlots/index

2. **Aquatic Habitat, Wetlands Restoration, Establishment and Enhancement Activities and Stormwater Management Facilities):** 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 (O&M), which at the minimum incorporate the following:

   A. Water quality protection measures for each category of artificial source of pollution identified. 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, (http://www.kdheks.gov/nps/resources/2000update.pdf), prepared and maintained by the Kansas Department of Health and Environment.

IV. 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 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.

V. Variance

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

VI. Additional Information

The KDHE website contains the following information to assist the applicant in preparing a project water quality protection plan:

*Construction practices: http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm

*Project Water Quality Protection Plan Form and Instructions:
http://www.kdheks.gov/nps/resources/nwpwqppfrm.doc or
http://www.kdheks.gov/nps/resources/nwpwqppfrm.pdf

*Kansas Surface Water Register:
http://www.kdheks.gov/befs/download/Current_Kansas_Water_Register.pdf

*Kansas Surface Water Maps:
http://www.kdheks.gov/befs/download/2006_Surface_Water_Register_Maps.pdf

Surface Water Quality Standards- http://www.kdheks.gov/water/28_16_28b_g.pdf

*KDHE District Offices- http://www.kdheks.gov/directions/index.html

The 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 or email: **nps@kdhe.state.ks.us**

REQUEST FOR GP-40 AUTHORIZATION

(NOTE: All fields are required)

1. APPLICANT NAME: **Address:** **Address:** **Phone:**
2. WATERBODY(s):
3. LOCATION: _____Section _____Township _____South, Range _____
4. ACTIVITY:
5. APPLICABLE NRCS PRACTICE CODE(s):
6. PROJECT DESCRIPTION:
7. PROJECT PURPOSE:
8. VEGETATION PLAN: _____If Other, explain:
9. NRCS DESIGN, FUNDING OR CERTIFIED TSP:
10. NRCS PROGRAM:
11. ATTACHMENTS: ☐ **Location Map** ☐ **Aerial Photograph** ☐ **Plans/Drawings** ☐ **Mitigation Worksheets (for Required Activities Only)**
12. REQUESTING OFFICIAL: **Name:** **Date:**

Instructions for Preparing a
Request for GP-40 Authorization Form

Block 1. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is a trust, corporation, or other organization, indicate the responsible point of contact and title. If more than one party is associated with the request, please attach a sheet with the necessary information marked Block 1 (cont'd).

Block 2. Waterbody(s). Please select the appropriate option from the drop-down menu and provide the name of any stream, lake, marsh or other waterway to be directly impacted by the activity. If it is an unnamed stream, identify the nearest named waterbody the unnamed stream enters. If multiple types of waterbodies are to be impacted, select "Multiple" and identify all.

Block 3. Location. Select the appropriate descriptive abbreviation and provide the Section, Township and Range of the site.

Block 4. Activity. Select one of the nine options from the drop-down menu that best describes the NRCS designed or approved activity.

Block 5. Applicable NRCS Practice Code(s). List the NRCS Practice Codes that would be implemented for the proposed project.

Block 6. Project Description. Describe the overall activity or project. Give appropriate dimensions of structures, waterways, diversions, ponds, etc..

Block 7. Project Purpose. Describe the purpose and need for the project. This description should include what the project will be used for and why.

Block 8. Vegetation Plan. Select an option from the drop-down menu that accurately describes the proposed seeding/vegetation type for disturbed areas and/or mitigation areas. If the vegetation plan differs from the options provided or requires additional remarks, please explain in the space provided or attach a sheet with the necessary information marked Block 8 (cont'd).

Block 9. NRCS Design, Funding or Certified TSP. Select the appropriate option from the drop-down menu that best describes the extent of NRCS involvement in the project. (Note: all options indicate NRCS approval).

Block 10. NRCS Program. Select the appropriate option from the drop-down menu. If "other" please explain in the space provided.

Block 11. Attachments. Attach appropriate and/or required documents and check corresponding boxes. At minimum, all requests must include a Location Map, with the project site clearly identified on the map. (Note: Required documents depend on the proposed activity and mitigation requirements as outlined in the GP-40.)

Block 12. Requesting Official. The Request Form must include the name of the requesting official. The requesting official must be either NRCS staff or a Certified Technical Service Provider (TSP) to qualify for GP-40 authorization. The date should be entered to reflect the actual date of the request (mailed, emailed, or otherwise submitted to the Corps).