

# **NWP Standard Operating Procedures (NSOPs) in Kansas**

## **March 9, 2000**

This document is to be used in conjunction with the Nationwide Permit (NWP) Regional Conditions for Kansas. The purpose of this document is to provide further clarification of how the Kansas City District will implement certain aspects of the NWP program and to provide clarification on certain NWP's or General Conditions. The NSOP is dated in accordance with the most recent final modification of the NWP's.

Any future revisions to the NSOP will be coordinated with the appropriate Federal and State resource agencies that assisted in the development of this document.

### **GENERAL**

For any nationwide permit in Indian Country where the permittee must notify the District Engineer in accordance with the "Notification" general condition for agency coordination, the Corps will include the tribe or tribes affected by the proposed project in the coordination.

Generally, the Corps considers on-site wastewater treatment facilities constructed in wetlands to have a potential for more than minimal impacts on a case by case basis.

Generally, the Corps considers discharges of dredged or fill material in Waters of the U.S. associated with the construction of any portion of a confined animal feeding operation (CAFO) to have a potential for more than minimal impacts on a case by case basis.

### **OUTSTANDING NATIONAL RESOURCE WATERS (ONRW)/EXCEPTIONAL STATE WATERS (ESW)/SPECIAL AQUATIC LIFE USES (SALU)**

All requests for verification which impact areas designated as ONRW, ESW and SALU waters will be provided to the Kansas Department of Health and Environment. This information will be provided by a copy of the verification letter sent to the applicant. The verification letter will include notice of permitting requirements under the Kansas Section 401 Water Quality Certification concerning the permittee's work in ONRW, ESW or SALU waters.

Where notification under General Condition 13 is required for any nationwide permit in an ONRW, ESW or SALU water, which also impacts adjacent riparian areas, the permittee must provide with each notification a "Woodland Habitat Assessment". The Corps will coordinate these notifications in accordance with agency coordination procedures.

## **ENDANGERED SPECIES**

If notification is required only for the endangered species regional condition, the District Engineer will coordinate only with the U.S. Fish and Wildlife Service (USFWS) and Kansas Department of Wildlife and Parks, as necessary to comply with General Condition 11.

### State Listed Species Designated Critical Habitat

No separate notification is required for impacts in this category alone. However, all requests for verification which impact areas designated as critical habitat by the Kansas Department of Wildlife and Parks will be provided to the U.S. Fish and Wildlife Service and Kansas Department of Wildlife and Parks. This information will be provided by a copy of the verification letter sent to the applicant. The verification letter will include notice of permitting requirements under the Kansas Nongame and Endangered Species Act (K.S.A. 32-957 through 32-963, K.S.A. 32-1009 through 1012, and K.S.A. 32-1033). The Kansas Department of Wildlife and Parks is developing this list by county and will provide this list to the Corps for reference in evaluating permit applications and general correspondence.

## **ACTIVITY & WETLAND TYPE SPECIFIC REGIONAL CONDITIONS**

For discharges of dredged or fill material in waters of the United States for the category of activities listed in this section (Concrete Channel Lining, Fens, Playa and Forested Wetlands), or for discharges associated with channelization or fill activities causing the loss of waters of the United States for distances greater than 200 feet in length in any stream channel, when the permittee notifies the District Engineer in accordance with the “Notification” general condition, the Corps will coordinate these notifications in accordance with agency coordination procedures.

## **NSOPs PERTAINING TO PARTICULAR NWPS & GENERAL CONDITIONS**

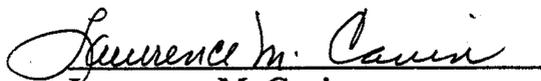
NWP No. 3 – Maintenance. For discharges of dredged or fill material involving the removal of accumulated sediments and debris for a distance greater than 50 feet from the existing structure, the Corps will coordinate the “Notification” in accordance with agency coordination procedures.

NWP No. 13 - Bank Stabilization. The following materials are generally not suitable for bank stabilization and should not be authorized for discharge into waters of the U.S. in conjunction with bank stabilization activities authorized by Nationwide Permit 13: broken concrete predominantly less than 12 inches in diameter or with exposed rebar; sand, gravel or earth fill.

NWP No. 29 - Single Family Housing. All requests for NWP 29 will be coordinated with the USFWS in accordance with agency coordination procedures for their consideration of Endangered Species impacts prior to issuing a verification letter for this NWP.

NWP No. 37 – Emergency Watershed Protection. This nationwide permit generally will not authorize discharges for which notification is submitted more than one year after the official conclusion of the emergency that caused the “exigency” situation. The authorized discharges should be commenced or under contract within two years of the date of the damage.

General Condition No. 18 – Suitable Material. In addition to the specific examples in General Condition 18, the following materials are not suitable for fill activities and should not be authorized for discharge into waters of the U.S. in conjunction with any NWP: buses or rail cars, construction or demolition debris, garbage, loose or improperly placed tires, and sewage or organic waste.

  
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Date