

ACTIVITES

CONTACTS

REGULATIONS

MORE INFORMATION

IF YOU...

Place Fill Material or Excavate in Waters of the U.S., including a Wetland, or

Excavate, Remove Material from Waters of the U.S., Obstruct a Stream, Construct Fills or Levees in Floodplains...



Have Stormwater Runoff from Construction Activities

Need Technical Assistance for Determination of Federal threatened and Endangered Species / Critical Habitat

Need Technical Assistance for Determination of State Threatened and Endangered Species / Critical Habitat

WHO YOU NEED TO CONTACT:

U.S. Army Corps of Engineers
Kansas City District

NE KS Area: 601 E. 12th St.
Kansas City, MO 64106
Phone: 816-389-3990

N. KS Area: 107 Riverside Dr.
Marquette, KS 67464
Phone: 785-546-2130

S. KS Area: 2710 NE Shady
Creek Access Road
El Dorado, KS 67042
Phone: 316-322-8247

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6700

Kansas Dept. of Health and Environment
Watershed Management Section
Bureau of Environmental Field Services
1000 SW Jackson St., Suite 430
Topeka, KS 66612
Phone: 785-296-5573

Kansas Dept. of Health and Environment
Industrial Programs
Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, KS 66612
Phone: 785-296-5549

U.S. Fish and Wildlife Service
315 Houston
Manhattan, KS 66846
Phone: 785-539-3474

Kansas Dept. of Wildlife and Parks
512 SE 25th Ave.
Pratt, KS 67214
620-672-5911

WHY....

Section 404 of the Clean Water Act (CWA) requires that the Corps of Engineers issue a permit for the discharge of dredged or fill material into waters of the U.S., including wetlands (33 USC 1344). The Corps permit regulations are in 33 CFR 320-332.

K.S.A. (Kansas Statutes)
No. 82a-301 to 305a
K.S.A. No. 24-126

K.A.R (Kansas Administrative Regulations)
28-16-28b thru 28f(c)(1)
Sec. 401 of the CWA

K.S.A. No. 65-164 &
K.S.A. No. 65-165 &
K.A.R. No. 28-16-28 et seq.
(Other regulations may be applicable.)
Sec. 402 of the CWA

Federal Endangered Species Act of 1973 (ESA)
Reg: 50 CFR Part 17
Act: Title 16 USC, Sec. 1540

K.S.A.32-957 thru 32-963,
32-1009 thru 32-1012, and
32-1033. K.A.R. 115-15-1 and 115-13

PROJECTS REQUIRING PERMITS

May include but not limited to: Building or modifying a dam, creel, river, water-way, wetland, or pond during development, re-lo-cation, improvement or repair.

(Also Requires a 401 water quality certification from KDHE.)

Constructing/changing a dam, levee or other water obstruction. Excavation of dredging within the bank lines of a regulated stream. Placement of fill within the floodplain of a regulated stream

Any projects that could discharge or cause runoff with pollutants to Kansas Waters

Stormwater runoff from construction activities

Projects in federally Designated area for Threatened/ Endangered species.

State of Kansas permit For or threatened/ endangered

INTERNET SITES

U.S. Army Corps of Engineers, Kansas City District
www.nwk.usace.army.mil/Missions/RegulatoryBranch.aspx

U.S. Army Corps of Engineers, HQ
<https://www.usace.army.mil/>

KS Department of Agriculture— Division of Water Resources—
www.agriculture.ks.gov/divisions-programs/dwr

Kansas Dept. of Health and Environment
<https://www.kdhe.ks.gov/1095/Section-401-Water-Quality-Certification>

Kansas Dept. of Health and Environment
<https://www.kdhe.ks.gov/756/Industrial-Programs-Section-Stormwater-P>

U.S. Fish and Wildlife Service:
<http://www.fws.gov>

Kansas Department of Wildlife and Parks
www.ksoutdoors.com/Services/Threatened-and-Endangered-Wildlife

For additional information, contact:
U.S. Environmental Protection Agency, Region 7, Watershed Support Wetland and Stream Protection
11021 Renner Boulevard
Lenexa, Kansas 66219
Phone No. 1-800-223-0425
913-551-7224
<https://www.epa.gov/cwa-404>

Note: During the Section 404 Process, the Corps will coordinate with KDHE, KDA-DWR, FWS, EPA, KDWP and other state and federal agencies regarding the public interest issues about your project. If you need to apply for a permit from KDWR, they will coordinate with all of the appropriate state agencies through the Environmental Coordination Act (ECA).

OTHER AGENCIES FOR WETLAND and WATER RESOURCES INFORMATION / TECHNICAL ASSISTANCE:

Kansas Water Office
900 SW Jackson Street, Suite 404
Topeka, KS 66612
785-296-3185 <https://kwo.ks.gov/>

USDA Natural Resources Conservation Service
760 South Broadway Boulevard,
Salina, KS 67401
785-823-4500
<http://www.nrcs.usda.gov/wps/portal/nrcs/site/ks/home/>



DO I NEED A PERMIT?

HOW DO I FIND OUT?

SEE CONTACTS, PROJECT EXAMPLES,
AND INTERNET SITES INSIDE.

What are Wetlands?

Wetlands are areas that are saturated, flooded or ponded for varying periods of time during the growing season. Wetland vegetation and soils may be different from that of surrounding non-wetlands. Wetlands are classified according to the amount of water, geographical location, type of vegetation, and other factors. Some of the wetland types in Kansas are known as marshes, sloughs, and fens.

Benefits of Wetlands

- Provide habitat for fish and wildlife
 - Provide flood protection
 - Buffer shorelines against erosion
 - Provide areas of recreation
- *Improve water quality and protect related water resources

Benefits of Streams and Their Vegetative Borders

- Supply drinking water
- Improve and protect surface water quality
- Provide habitat for fish and wildlife
- Provide recreation: fishing, boating and swimming

Why the Concern About Wetlands?

Wetlands are very important to all of us; however, they have disappeared at an alarming rate. A large percentage of wetlands have been drained and filled for agricultural production and urban development. It is estimated that about 48% of Kansas wetlands have been lost. Approximately 57% of threatened and endangered species are found in aquatic habitats. Once a wetland is destroyed, it is very difficult and sometimes impossible to replace. Even under ideal conditions, it may take years to reestablish the proper vegetation, soil and water conditions which existed in the original wetland.

Who is working with Water and Wetlands?

Several federal and state agencies are responsible for protecting water and wetlands in the United States. In Kansas these agencies include:

- U.S. Army Corps of Engineers(Corps)**
- US Dept. of Agriculture (USDA-NRCS)**
- KS Dept. of Health and Environment (KDHE)**
- Kansas Dept. of Wildlife and Parks (KDWP)**
- U.S. Fish and Wildlife Service (FWS)**
- Kansas Water Office (KWO)**
- Kansas Dept. of Agriculture (KDA):**
Div. of Water Resources (DWR)
and KDA Division of Conservation
- U.S. Environmental Protection Agency (EPA).**

Section 404 of the Clean Water Act (CWA), requires that anyone placing dredged or fill material into waters of the United States, including wetlands, must first obtain a permit from the U.S. Army Corps of Engineers (Corps). Permits and other aspects of the program are jointly administered by the Corps and the U.S.

Environmental Protection Agency in partnership with state and local governments. If you make any modification to a waterbody, or to an area that might be a wetland, you may need a permit or certification from one or more agencies, depending upon the intended activity and the type of the area involved. There may be laws other than the Clean Water Act or regulations which apply for individual situations. We recommend consulting with state, county and local agencies to determine if there are additional requirements.

Waters of the U.S. may include the following:
Lakes, Streams, Rivers, Wetlands & Sloughs