



# US Army Corps of Engineers

*Kansas City District*

## STATE OF KANSAS

### POST-FLOOD PERMITTING UNDER SECTION 404 OF THE CLEAN WATER ACT AND SECTION 10 OF THE RIVERS AND HARBORS ACT

As floodwaters recede, we become aware of the damages resulting from high water. Many of the damages are on high ground and restoration will not require permits from the U.S. Army Corps of Engineers (Corps). However, some repair and restoration work must be permitted by the Corps.

The Corps regulates placement of fill material below the Ordinary High Water Mark (OHWM) within waters of the U.S. and in adjacent wetlands. The Corps also regulates the placement of structures and other work in navigable waters, such as the Missouri River.

Activities that may require authorization from the Corps include:

- Repair and reconstruction of roads, bridge embankments, levees, dikes and utility structures
- Placement of bank stabilization material
- Restoration of channels and ditches to pre-flooding alignment and capacity
- Construction of temporary access roads and use of some fill borrow areas
- Restoration of farm fields, flood sediment removal and disposal

The Kansas City District, in anticipation of the need for efficient permitting for these activities, developed statewide Regional General Permit (RGP) No. 41 (<http://www.nwk.usace.army.mil/regulatory/GP/GP-41.pdf>). Some activities may proceed under the terms of this RGP without prior notification to the Corps, others require advance approval. Please discuss notification requirements with a Corps Regulatory Manager at the contact numbers below.

In addition to the RGP, several existing Nationwide Permits (NWP) are available to authorize these activities, including but not limited to:

<b>NWP 3</b> – Maintenance	<b>NWP 13</b> – Bank Stabilization
<b>NWP 14</b> – Linear Transportation Projects	<b>NWP 12</b> – Utility Line Activities
<b>NWP 18</b> – Minor Discharges	<b>NWP 27</b> – Aquatic Habitat Restoration/Establishment/Enhancement Activities
<b>NWP 33</b> – Temp. Construction/Access/Dewatering	<b>NWP 45</b> – Repair of Uplands Damaged by Discrete Events

The current 2007 NWPs, Regional Conditions, State Water Quality Certification Conditions (Kansas Department of Health and Environment, and U.S. EPA Region 7 for Indian County within Kansas): [http://www.nwk.usace.army.mil/regulatory/NWP\\_2012/nwp.htm](http://www.nwk.usace.army.mil/regulatory/NWP_2012/nwp.htm). *Please note that these NWPs are set to expire in March 2012, and the 2012 renewal process is underway. NWP activities under contract or construction by March 2012 have one year to be completed, or re-verification is required.*

Activities that do not meet the terms and limits of the RGP or a NWP will require an Individual Permit Review.

