



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
KANSAS STATE REGULATORY OFFICE
2710 NE SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

March 30, 2021

Kansas State Regulatory Office
(NWK-2021-00113)
(Lyon, KS NWP-14)

Warren Chip Woods, P.E.
Lyon County Highway Department
500 South Prairie
Emporia, KS 66801

Dear Mr. Woods:

This letter pertains to an application submitted on behalf of Lyon County for a Department of the Army (DA) permit. It was received on January 25, 2021. The proposed work concerns the removal of a 12.0' x 6.0' RCB to be replaced with an 18.33' simple span all steel structure (Lyon County Project 20-32). The project is located in an unnamed tributary to the Neosho River in the SW 1/4 of the SW 1/4 of Section 17, Township 20 South, Range 13 East, Lyon County, KS (Lat: 38.30330°, Lon: -96.00340°).

Based upon a review of the information furnished, we have determined that this unnamed tributary to the Neosho River is a jurisdictional water of the United States. Therefore, the placement of dredged or fill material below the ordinary high water elevation, as proposed by your project, requires permit authorization from this office. The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-332.

We have reviewed the information furnished and have determined that your project is authorized by nationwide permit (NWP) 14, provided you ensure that the conditions listed in the enclosed copy of excerpts from the January 6, 2017 Federal Register, Issuance of Nationwide Permits, are met. You must also comply with the Kansas City District Regional NWP Conditions posted at: <http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/NationWidePermits.aspx>.

The Kansas Department of Health and Environment (KDHE) has certified that this NWP will not violate existing state water quality standards provided you comply with the conditions included in their attached letter. All conditions included in the water quality certification become conditions of the NWP authorization, please carefully review all conditions associated with this NWP. If you have any questions concerning state water quality standards or compliance issues with the associated certification conditions, please contact KDHE at 785-296-5573, Bureau of Environmental Field Services, Watershed Management Section, 1000 SW Jackson Street, Suite 430, Topeka, Kansas 66612-1367.

General condition 30 requires you to sign and submit the enclosed "Compliance Certification" within 30 days of completing the authorized activity or the completion of the implementation of any required compensatory mitigation.

This NWP verification is valid until March 18, 2022. Should your project plans change or if your activity is not complete within the specified verification term, you must contact this office for another permit determination. Although the Corps has verified your project would meet the terms and conditions of a nationwide permit, other Federal, state and/or local permits may be required. You should verify this yourself.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail.

Mr. Lucius Duerksen, Regulatory Project Manager, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. Duerksen at 316-322-8247 or lucius.j.duerksen@usace.army.mil. Please reference Permit No. 202100113 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: cwoods@lyoncounty.org.

Enclosures

cc (electronically w/o enclosures):

Environmental Protection Agency,
Watershed and Grants Branch
U.S. Fish and Wildlife Service, Manhattan, Kansas
Kansas Department of Wildlife, Parks and Tourism
Kansas Department of Health and Environment
Kansas Department of Agriculture