

Special Environmental Concerns Evaluation Procedure Guide Sheet

The following guide sheet may be used to assist in the evaluation of the special resource concerns shown in Part J of the Form KS-CPA-52, Environmental Effects for Conservation Planning. Completion of this guide sheet is not required, but may provide additional documentation that the appropriate processes have been followed.

WATERS OF THE U.S./CLEAN WATER ACT

STEP 1. Will the planned action or activity involve or likely result in, the discharge of dredged or fill material or other pollutant into "Waters of the U.S.," or is the project in proximately of water that has been listed by the state as "impaired" under Section 303(d)?

NO **YES** **UNKNOWN**

- a. If your answer is "No," document this on Form KS-CPA-52 and proceed with planning.
- b. If your answer is "Yes," go to Step 2.
- c. If your answer is "Unknown," meaning that you do not know if the action will involve the discharge of dredged or fill material or other pollutant into Waters of the U.S., or if the project is in proximately to a Section 303(d) water, the client should contact the appropriate U.S. Army Corps of Engineers (COE) or state water quality office for a determination. Repeat Step 1.

STEP 2. Has the client obtained a Section 404 and/or a Non-Point Discharge Elimination System (Section 402) Permit or a determination of an exemption?

NO **YES** **UNKNOWN**

- a. If your answer is "Yes," document this on Form KS-CPA-52 and proceed with planning. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the COE.
- b. If your answer is "no," determine if the client has applied for a permit. If a permit has been applied for, document this and continue the planning process in consultation with the client and the regulatory agencies. If a permit has not been applied for, the client should apply. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should reflect the final plan and documentation.
- c. If your answer is "Unknown," meaning that you do not know if authorization has been obtained or applied for, consult the client and repeat Step 2.