

Kansas State Wetland Program Summary



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Photo Credit: Kansas Partners Program, USFWS

Section A. Quick View

Description of State's Wetlands

Kansas has a variety of wetland types—sandhill pools to playa lakes to fresh- and salt-water marshes—that cover approximately 425,000 acres of the state.

State Definition of Wetlands

The Kansas definition of wetlands is more encompassing than the deferral definition, as it requires only two out of three characteristics to be present to identify the resource as a wetland. A wetland is defined as “any area of predominantly hydric soils where standing water or wet soil conditions exist for a significant part of the growing season in most years. When surface water is present, depth generally does not exceed six feet. Vegetation is dominated by water-tolerant plants (hydrophytes).”

Historic Wetland Loss/Gain

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
850,000	425,000	425,000	50%

Primary State Wetlands Webpage

The state is currently in the process of updating its webpage. The state's primary wetland page currently is: http://www.kwo.org/Kansas_Water_Plan/KWP_VolumeII.html

Soon the Kansas Alliance for Wetlands and Streams will also have a wetlands page at <http://www.kswetlands.org>

State Wetland Program Plan

The Kansas State Wetland Program Plan (2011-2017) can be downloaded from <http://water.epa.gov/type/wetlands/upload/ks-wpp-2013.pdf>

This plan will be updated in 2017 on its five-year plan cycle.

Riparian Protection Subsection of the Kansas Water Plan

http://www.kwo.org/Kansas_Water_Plan/KWP_Docs/Volumell/Rpt_Text_KWP_2009_WetlandRiparian.pdf

State Resources for Wetland Work

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Agency	KDWPT	KDHE	KDHE	Division of Conservation
Source(s)	Information unavailable	Information unavailable	Information unavailable	Information unavailable
Amount	Information unavailable	Information unavailable	Information unavailable	Information unavailable
Staffing	0.10 FTE	0.2 FTE (in the Lake Program; hard to discern what % is wetlands – Approximately 10%)	0.05 FTE (Surface water standards include wetlands)	0.75 FTE

State Permitting Fees

State Permitting Fee	State Name
Yes/No	YES
Amount (range)	Range of fees; ~\$100/permit
Agency	Dept. of Agriculture, Division of Water Resources

Innovative Features

- Kansas conducts both high quality watershed planning and floodplain riparian work addressing floodplain connectivity and potential for riparian vegetation.
- Kansas has developed the **Topographic Wetland Identification Process (TWIP)**, a landscape level LiDAR based tool that identifies potential areas for wetland protection, restoration and enhancement. We plan to continue acquisition of LiDAR statewide and to use the TWIP to enhance and target our existing wetland programs on a watershed scale to accomplish broad wetland conservation while restoring and protecting our priority watersheds across the state.

- Crop Consultants Incentive Program works to identify landowners wanting to put their wetlands into easement or other arrangement. If they find a landowner who wants to participate, the consultant gets a \$500 bonus.
- State supports the **Playa Lakes Joint Venture** and their development of Decision Support Systems

Models and Templates

- **Biosurveys** to research restoration options for landowner land, allowing ongoing activities to include new restoration efforts (overlap with targeted supports).

Section B. Regulation

How are Wetlands Regulated in the State?

Much of Kansas' work relies on collaborative, multi-agency approach, rather than one centralized program. The state's wetland regulatory efforts include §401 water quality certifications and the Kansas Department of Agriculture's permits for fill and stream obstructions in floodplains. The Kansas Department of Wildlife, Parks and Tourism oversees Threatened and Endangered species impacts in wetland and riparian areas when development activities are proposed. In addition, various state agencies play active non-regulatory roles in protecting and restoring wetlands.

The Kansas Water Office is designated by the governor of the state as the coordinating agency for wetland programs. Six state agencies have substantial roles in wetland protection, restoration, research and monitoring. These agencies and their primary role(s) are:

- *Kansas Water Office (KWO)* - Coordinates programs and establishes policy on wetland resources. KWO works cooperatively with federal agencies to improve effectiveness of federal wetland regulatory programs through participation on the 404 Interagency Coordination Team.
- *Kansas Department of Wildlife Parks and Tourism (KDWPT)* - Responsible for management of state owned wetlands and the acquisition of additional wetlands to be held in public trust. KDWPT manages the threatened and endangered species program for the state, including wetland issues. It is a member of Interagency Review Team and collects data on stream systems.
- *Kansas Department of Health and Environment (KDHE)* - Manages the water quality monitoring network that includes wetlands and provides reports on status and trends annually. KDHE oversees financial assistance programs to protect, enhance and restore wetlands associated with Watershed Restoration and Protection Strategy (WRAPS) programs and is responsible for 401 certifications for proposed impacts to wetlands during land alteration activities. KDHE is a member of Interagency Review Team.
- *Kansas Department of Agriculture*
 - *Division of Conservation (DoC)* administers financial and technical assistance programs to improve, protect, enhance and restore wetlands.
 - *Division of Water Resources (DWR)* regulates dams, stream modifications, levees and floodplain fills for the protection of life, property and public safety. DWR also provides

technical assistance and coordination to local communities participating in the National Flood Insurance Program.

- *Kansas Biological Survey (KBS)* - Performs wetland research and assessment including special projects across EPA Region 7. Maintains database of findings.

Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State’s Own Method		X	
Use Corps’ 87 Manual and Regional Supplement	X		
Other (Please describe)		X	

Evaluation Methodology

Kansas utilizes the WET methodology by Paul Adams to do assessments. Kansas would like to develop their own state-specific functional assessment, but this process has not been started at this time. The state’s “Wetland Evaluation Technique” is wildlife-focused and viewed by wetland staff as inadequate.

Exempted Activities

State exemptions mirror federal exemptions.

Special Provisions for Agriculture and Forestry

State provisions mirror federal exemptions.

Penalties and Enforcement

Kansas has not adopted specific compliance or enforcement laws or regulations for wetlands. Wetlands enforcement actions come under the purview of water quality standard violations. The state is authorized to issue abatement or corrective action orders, injunctions, and civil penalties of not more than \$10,000 per violation each day the water quality violation occurs. Violations for §404/§401 permits fall under the jurisdiction of the Corps; however, the Corps can request that the KDHE take enforcement actions.

Permit Tracking

The KDHE uses an informal database for tracking §401 certifications. The Corps also sends the KDHE annual summaries of the NWP’s and §404 permits it has issued upon request. The KDHE also is beginning to utilize GIS to assess impacts from projects on a watershed scale.

State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit		X	
Statewide General Permit		X	

Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption		X	

Joint permitting

The state does not have joint permitting with the Corps. However, the state does have a joint noticing process with the Corps.

Special Area Management Plans and Advanced Identification Plans

None.

Mitigation Policy

The state has not adopted mitigation requirements for §401 certifications. The KDHE does recognize that some wetlands mitigation required by the Corps will enhance water quality restoration and protection. The KDHE also may provide recommendations to the Corps for mitigation to replace a natural water quality protection land feature, such as an oxbow adjacent to cropland that has natural pollutant removal characteristics.

Mitigation Database

None.

Section C. Monitoring and Assessment

Agency Responsible for Wetland Monitoring and Assessment

Kansas operates a formal monitoring program for publicly-owned and publicly accessible wetlands through the KDHE, Bureau of Water Lake and Wetland Monitoring Program. This program provides information on chemical, physical, and biological properties. Water bodies are visited by staff on a 3-5 year rotational schedule, and field measurements and subsequent laboratory analyses provide data on a large suite of physical, organic, inorganic, and biological parameters. The Bureau also operates various other monitoring programs including Stream Chemistry and Biological Monitoring Programs. Monitoring data is compared to both numeric and narrative WQS to determine compliance with the standards. Monitoring data also are used for developing 303(b) lists, Total Maximum Daily Loads (TMDL), and 305(b) reports. Additionally, data are used to characterize wetlands throughout the state. Because monitoring data is available online for the public, it also could be used for planning mitigation efforts. KDWP does monitoring and assessment by basins. They are moving towards population-specific monitoring for sensitive species. The state also does wildlife assessment for mitigation sites (which may not continue in the future due to staffing needs).

Mapping/Inventory

Kansas has developed the **Topographic Wetland Identification Process (TWIP)**, a landscape level LiDAR based tool that identifies potential areas for wetland protection, restoration and enhancement. The state plans to continue acquisition of LiDAR statewide and to use the TWIP to enhance and target exiting wetland programs on a watershed scale to accomplish broad wetland conservation while restoring and protecting our priority watersheds across the state.

State Wetland Mapping Public Portal

Data Access and Support Center (DASC) provides some access (TWIP information). Additionally, the state maintains a Surface Waters Registered List of all streams and lakes and correlates them with maps in PDF documents.

Wetland Classification and Assessment

Kansas uses the WET Assessment Method.

Statewide Monitoring Plan

The state has the *Kansas Water Quality Monitoring and Assessment Strategy* for 2011-2015: http://www.kdheks.gov/befs/download/2011_Kansas_WQ_monitoring_and_assessment_strategy.pdf

Overall Wetland Gain and Loss Tracking System

KWO is working with the Kansas Data Access and Support Center (DASC) to establish and implement a geospatial database to track historic wetland loss, new wetland gain, wetland compensation and other areas placed in permanent conservation. However, this site is not yet up and running, addressing pieces, but not yet comprehensive. In the long-run KWO plans to use this database to assess and evaluate progress.

Wetland Monitoring and Assessment Characteristics

Level	None	Level 1	Level 2	Level 3
<i>Kansas</i>		X	X	X

Note: The state has only done level 1-3 monitoring for specific grant applications, but these have provided the state with valuable information.

Type	None	IBI	Conditional	Functional
<i>Kansas</i>		Not for wetlands	Only through participation in the NWCA	As needed on a project-by-project basis

Frequency	None	Project Specific	Ongoing
<i>Kansas</i>		X Primarily project-specific work	X (Only for ongoing water quality)

Participation in National Wetland Condition Assessment

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Water Quality Standards

Wetland and Water Quality Standards

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		X			
Narrative criteria in the standards to protect designated wetland uses		X			
Numeric criteria in the standards based on wetland type and location to protect the designated uses		X*			
Anti-degradation policy includes wetlands		X**			

*Only in term classified wetlands --- no new discharging facilities in classified wetlands and no discharge impacts on classified wetlands.

**Kansas has a designated special aquatic life use support for threatened and endangered species (a higher level of protection).

Description: Kansas has not developed WQS or an anti-degradation policy specific to wetlands; however, the standards and policy refer to all surface waters of the state, which encompass wetlands. The state has developed designated uses that apply to classified surface waters of the state, including wetlands. Designated uses, along with surface water classifications and outstanding national resource waters and exceptional state waters, are recorded in the Kansas Surface Water Register. Designated uses and WQS relate to fish and wildlife habitat, water quality/ pollution control, and minimum stream flows. Surface WQS are both narrative and numeric.

Section E. Voluntary Wetland Restoration

The state has a formal voluntary wetland restoration program. It works to identify and protect important wetland systems through free acquisition, conservation easements and other tools for long-term conservation. Various agencies play a role in wetlands restoration:

- The Department of Agriculture’s Division of Conservation (DoC) allocates cost-share funds to county districts through its Riparian and Wetland Program.
- KDHE’s Bureau of Watershed Management is responsible for administering EPA §319 grants, to various entities and organizations for wetlands restoration activities.
- Kansas Department of Wildlife, Parks and Tourism (KDWPT) does not have a formal wetlands restoration program; however, its Ecological Services Division participates and/or pursues wetlands restoration in conjunction with water fowl and threatened and endangered species activities on public lands.
- The state’s water restoration plans (through WRAPs) are targeted to improve TMDLs and water quality.

Types of Wetland Restoration Work Funded by the State:

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		\$150k in 2014 designated for wetland and stream restoration through the Wetland and Stream Program
Private Land Restoration	X		
Public Land Restoration	X		
Technical Assistance	X		KWO, KDHE, DoC, KDWPT
Tax Incentives		X	
Other	X		Financial assistance (please describe)

Voluntary Wetland Restoration Program Components

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Complete
Program has a set of restoration goals			X Qualitative goals are being developed	X WWPP has qualitative goals
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes				X
Developed multi-agency body to coordinate restoration/ protection efforts			X Developed, but not formalized	

Set restoration goals based on agency objectives and available information	X			
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Goals for Restoration Projects

Goal	Yes	No	Description
No Net Loss	X		
Reverse Loss/Net Gain		X	
Nonpoint Source Pollution (NPS)	X		
Total Maximum Daily Load (TMDLs)	X		
Habitat	X		
Coastal Protection	N/A		
Floodwater Protection		X	
Groundwater		X	
Other (please describe)	X		

Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts

- Kansas has developed a new Voluntary Wetland Restoration Manual.
- A *Local Planning Guide for Wetland and Riparian Areas* was developed in the early 1990s and is still available on the state's website. However, it needs updating.
- The state plans to add four additional documents to address this need in the future.

Section F. Innovative and/or Highly Effective Education and Outreach

None.

Section G. Climate Change and Wetlands

Kansas has not developed a statewide adaptation plan and has not integrated climate change measures into wetlands monitoring efforts. However, Kansas does receive an EPA Wetland Program Development Grant in 2014 looking at the conversion of ponds into wetlands. Farm ponds are often the first landscape feature to exhibit climate change impact. This grant focuses on flood control and habitat impacts, as well as how to increase infiltration and the use of hydrological modeling projects in planning.

Section H. Integration

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	YES	If written into permit, wetland restoration can be considered as a BMP; some recognition of wetlands in secondary treatment of wastewater and MS4s at the local level.
303(d)	YES	Included report on impaired surface water

305(b) reporting on wetlands	YES	Integrated water quality reporting includes wetlands; wetlands reporting in terms of quality and public lands associated with state parks
Total Maximum Daily Load (TMDLs)	YES	In TMDL practices that could reduce loading to meet designated uses; also have TMDLs on wetlands
Climate Change/ Resiliency	Only Grant	Only work is on new farm ponds EPA Wetland Program Development Grant
Land Use /Watershed planning	YES	EPA nine element watershed planning
Flood/Hazard Mitigation	Informally	Can include wetland restoration by addressing TMDLs and establishing wetlands as a target area watershed management measure through cost-share
Coastal Work	N/A	
Wildlife Action Plan	Unknown	State is currently revising its Plan. Unknown if playas were included in the past or will be currently.
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	Unknown	
Other (Specify)	Unknown	

State Wetland Program Continuum

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	401 Certification Program (state has been doing wetland work for a long time)	X (Well-established on public lands)		X (Have small, but robust program, but not well-supported)
Initial Implementation Stage					
Development Stage			X Working on developing for private; none currently	X * (No wetland-specific standards)	
Early Stage	Low				

* Well-developed WQS that apply to wetlands; apply endangered species related to wetland lands.

Section I. Contact Information

- List of State Wetland Program Contact and Other Relevant Contacts

Section J. Useful State Websites

State Government Programs

1. Kansas Water Office
The Kansas Water Office is the water planning, policy, coordination and marketing agency for the state. The primary statutory function of the agency is the development and implementation of the Kansas Water Plan.
http://www.kwo.org/Kansas_Water_Plan/KansasWaterPlan2014.html
2. Kansas Department of Health & Environment
 - a) Lake and Wetland Monitoring Program
http://www.kdheks.gov/befs/lakes_monitoring.htm
3. Kansas Department of Wildlife, Parks and Tourism
 - a) Landowner Incentive Program
<http://www.kdwpt.state.ks.us/news/Services/Private-Landowner-Assistance/Wildlife/Technical-Assistance/State-Programs/KDWP-Conservation-Programs/Landowner-Incentive-Program>
4. [Department of Agriculture](#)
 - a) [Division of Conservation](#)
[The Division of Conservation, working with the 105 local conservation districts, the 88 organized watershed districts, other special purpose districts, and state and federal entities administer programs to improve water quality, reduce soil erosion, conserve water, reduce flood potential and provide local water supply. The DOC has the responsibility to administer the Conservation Districts Law, the Watershed District Act and other statutes authorizing various programs.](#)
<http://www.ksda.gov/doc/>
 - b) [Division of Water Resources](#)
[The Division of Water Resources administers 30 laws and responsibilities including the Kansas Water Appropriation Act which governs how water is allocated and used; statutes regulating the construction of dams, levees and other changes to streams; the state's four interstate river compacts; as well as coordinating the national flood insurance program in Kansas.](#)
<http://www.ksda.gov/dwr/>

Federal Government Programs

1. USDA Natural Resources Conservation Service
Wetlands Reserve Program
http://www.ks.nrcs.usda.gov/news/success_stories/kansas_wrp.html

Other Organization Wetland Programs

1. Fort Hays State University
Kansas Wetlands Education Center
<http://wetlandcenter.fhsu.edu/>
2. The University of Kansas
Kansas Biological Survey
<http://kbs.ku.edu/>
3. Kansas Alliance for Wetlands and Streams
<http://www.kaws.org/welcome>
4. Wetlands & Wildlife National Scenic Byway
<http://www.kansaswetlandsandwildlifescenicbyway.com/index.php>
5. Ducks Unlimited
<http://www.ducks.org/resources/media/Conservation/Reports/State%20Conservation%20Reports/master/kansas.pdf>