

2013 State Law Changes Affecting Stream Obstructions and Dams



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DAMS

Revised definition of 'DAM'

New LOW HAZARD dam EXEMPTION

New FEEDLOT structure EXEMPTION



STREAM OBSTRUCTIONS

New definition – "Designated stream"

New MINOR project EXEMPTION

Expanded RURAL stream obstruction EXEMPTION

Revised permit application FEES



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2013 Changes to Dam Jurisdiction

2002 State Law (matched National Inventory of Dams)

6,200 jurisdictional dams in Kansas

Top of Dam Height (ft)	Top of Dam Storage (ac-ft)	Hazard Class	Jurisdiction
Less than 6	unlimited	not listed	NO
6 to 25	less than 50	not listed	NO
	50 or more	All Classes	YES
25 or more	Any volume	All Classes	YES

2013 State Law

2,400 jurisdictional dams in Kansas (62% reduction)

Top of Dam Height (ft)	Auxiliary Spillway Storage (ac-ft)	Hazard Class	Jurisdiction
Less than 6	unlimited	not listed	NO
6 to 25	less than 50	not listed	NO
	50 to 125	A (low)	NO - EXEMPT
		B (sig) or C (high)	YES
	125 or more	All Classes	YES
25 to 30	less than 125	A (low)	NO - EXEMPT
		B (sig) or C (high)	YES
		125 or more	All Classes
30 or more	Any volume	All Classes	YES

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2013 Revised Definition of “DAM”

A DWR permit is required to construct or modify any “dam.”

“Dam” means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the crest of the auxiliary spillway elevation of 50 or more acre-feet.

Previous Definition



New Definition

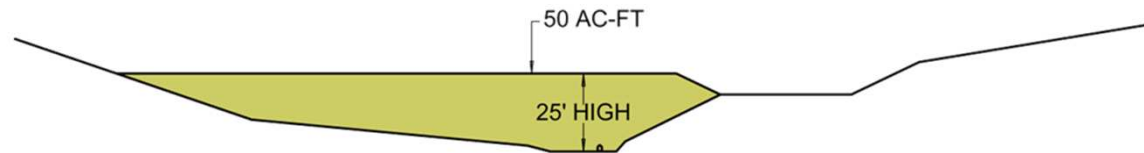


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2013 Low Hazard Dam Permit EXEMPTION

A DWR permit is NOT required to construct or modify a Low Hazard dam that has a height less than 30 feet and a storage volume at the crest of the auxiliary spillway elevation of less than 125 acre-feet.

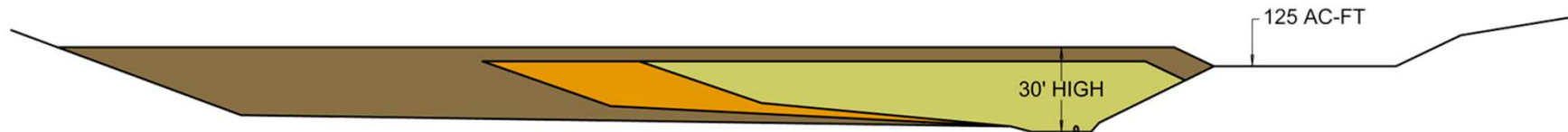
Previous Definition



New Definition



New Exemption



2013 State Law Changes Affecting Stream Obstructions and Dams

2013 Confined Feedlot Waste Lagoon EXEMPTION

A DWR permit is NOT required to construct or modify a Low Hazard dam that is a wastewater storage structure for a confined animal feeding operation that has been approved by KDHE.



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Questions?

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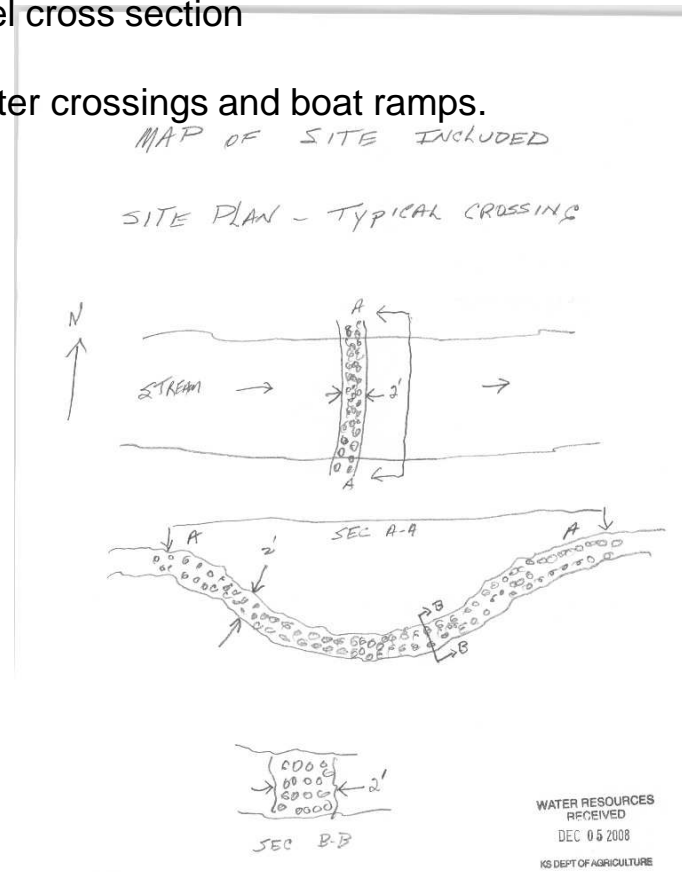
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2013 Minor Project EXEMPTION

A DWR permit is NOT required to construct or modify a stream obstruction if:

- 1) the project is limited to a land area measuring less than 25 feet along the stream length
- 2) the project obstructs less than five percent of the channel cross section

Project examples include buried pipeline crossings, low-water crossings and boat ramps.



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2013 Expanded Rural Project EXEMPTION

A DWR permit is NOT required to construct or modify a stream obstruction if the project:

- (a) is not a dam,
- (b) is located in an unincorporated area,
- (c) has a watershed area of five square miles or less and
- (d) is located at least 300 feet from any property boundary

Project examples include entrance culverts and small ponds.



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2013 Revised Permit Application Fees

'After-the-fact' permit fees have been eliminated for STREAM OBSTRUCTIONS and DAMS.

Watershed Area	Permit Application Fees
Less than 5 square miles	\$100
5 to 50 square miles	\$200
More than 50 square miles	\$500

Fees have not changed for LEVEES and FLOODPLAIN FILL:

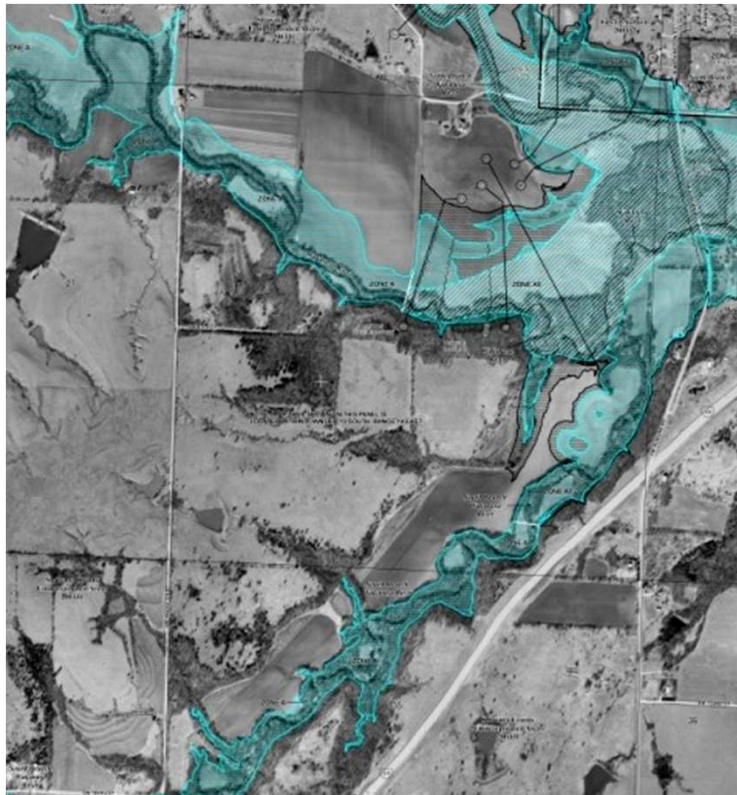
Levee	Permit Application Fees
Class A	\$100
Class B	\$300
Class C	\$500

Floodplain Fill	Permit Application Fees
Fringe	\$100
Zone A	\$300
Floodway	\$500

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Levee and Floodplain Requirements Still Apply

Exempt projects may still require a DWR permit as a floodplain fill under K.S.A. 21-126 Levee Law if:



- Construct, modify, or repair levee within the floodplain of a designated stream or within a floodplain identified on a federal flood insurance rate map
- Place fill within the floodplain of a designated stream or within a floodplain identified on a federal flood insurance rate map

Watershed District Projects

- Jurisdictional Dams
 - Dam Permit
 - Water Right Permit
 - General Plan Specific Project Approval
 - Other Federal and State Permits
- Minor Projects
 - General Plan approval
 - Possible Water Right Permit
 - Possible DWR floodplain fill permit
 - Other Federal and State Permits (i.e. Corp 404 permits, KDHE storm water pollution permit, KDWP&T)
- DWR will only review projects that are jurisdictional
 - Register exempt low hazard dams

Questions???

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