

What permits do you need when removing a dam?

Because every dam is different, before deciding to remove the dam, contact the Water Structures Department at the Division of Water Resources. While dams 25 feet or more in height, or six feet in height or greater with the ability to store 50 acre-feet of water measured from the auxiliary spillway top, need a modification dam permit, dams outside these parameters might still need a permit for stream obstructions, which is any project or structure constructed in a designated stream.



Dam breaches are considered a dam modification in state regulations, and they require oversight by a licensed engineer. The permit application and plan will be submitted to the Division of Water Resources where on-site engineers will examine a variety of items, including schedule for work phases, method used to drain reservoir, breach illustration, and erosion and sediment loss plan.

DWR also will send Environmental Compliance Act notifications to seven state agencies for approval or comment. These agencies have their own state statutes and regulations and are subject to federal government jurisdiction and programs relevant to dam removal such as the National Environmental Policy Act or National Historic Preservation Act of 1966 (P.L. 89-665).

The Kansas Department of Wildlife, Parks, and Tourism, for example, will review removal plans to determine whether they might have any adverse effects on endangered species. Another reviewing agency, the Kansas State Historical Society, examines removal plans for possible archaeological deposits or historic structures that might be affected.

The Kansas Department of Health and Environment, an ECA-reviewing agency, not only looks at removal plans but requires its own construction permits and water quality protection plans in applicable dam situations. Agency staff there will check to see whether the federal Clean Water Act may apply to sediment release from the former impoundment, for example, if the sediment would change pollutant-loading levels and exceed the U.S. Environmental Protection Agency's total maximum daily load requirements.

If dam removal, for instance, requires dredge and fill operations or destruction of wetlands in the reservoir, the United State Army Corps of Engineers, another ECA-reviewing agency, would require a permit under Section 404 of the Clean Water Act.