

# Kansas Dam Permitting

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## Obstructions in Streams Act (K.S.A. 82a-301 to 305a)


**K.S.A. 82a-301. Permit or consent of chief engineer required to construct dams or other water obstructions; exceptions.** (a)(1) Except as provided in subsections (c) and (d), without the prior written consent or permit of the chief engineer of the division of water resources of the Kansas department of agriculture, it shall be unlawful for any person, partnership, association, corporation or agency or political subdivision of the state government to:

(A) Construct, modify or add to any dam;

(B) construct, modify or add to any water obstruction in a designated stream; or

(C) change or diminish the course, current, or cross section of any designated stream within this state.

(2) Any application for any permit or consent shall be made in writing in such form as specified by the chief engineer.



## **Obstructions in Streams Act**

**(K.S.A. 82a-301 to 305a)**

**The law also provides for:**

- **Exclusive regulation by the Chief Engineer**
- **Rules & regulations (K.A.R. 5-40-1 thru 5-40-106)**



## **Application for Permit**

**Acceptable application (KAR 5-40-8) :**

- 1. Application form**
- 2. Application fee**
- 3. Plans and specifications**
- 4. Design report**



## **Rules & Regulations** (K.A.R. 5-40-1 to 5-40-106)

**Requirements include:**

- 1. Complete maps and plans (KAR 5-40-2)**
- 2. Specifications (KAR 5-40-3)**



## **Rules & Regulations** (K.A.R. 5-40-1 to 5-40-106)

**Requirements include (cont.):**

- 3. Design report (KAR 5-40-2b)**
- 4. Waiver and stricter requirements (KAR 5-40-6)**
- 5. Other maps, plans, profiles, data, and specifications (KAR 5-40-7)**





## **Rules & Regulations**

(K.A.R. 5-40-1 to 5-40-106)

### **Other requirements:**

- 1. Notice to the Chief Engineer (KAR 5-40-70)**
  - A. Prior to starting construction
  - B. Placing fill in cutoff trench
  - C. Placing backfill around conduits
  - D. Any other stage of construction which the Permit requires



## **Rules & Regulations**

(K.A.R. 5-40-1 to 5-40-106)

### **Other requirements:**

- 2. Inspection during construction (KAR 5-40-71)**
  - A. High-impact dams – Inspection by engineer at all times, except:
    1. Clearing-grubbing
    2. Removal of structures
    3. Installation of pollution control
    4. Seeding-mulching
    5. Fence construction

# Rules & Regulations

(K.A.R. 5-40-1 to 5-40-106)

## Other requirements:

### 2. Inspection during construction (cont.)

#### B. Low-impact dams – Inspection by engineer for:

1. Backfill in cutoff
2. Conduit placement
3. Conduit backfill
4. Drain material and outlets
5. Concrete forms, reinforcement, and placement
6. Any other stage required by permit

# Rules & Regulations

(K.A.R. 5-40-1 to 5-40-106)

## Other requirements:

### 2. Inspection during construction (cont.)

#### C. Inspecting engineer's contact information

#### D. Inspecting engineer's responsibility





## **Rules & Regulations**

(K.A.R. 5-40-1 to 5-40-106)

### **Other requirements:**

#### **3. Construction inspection reports (KAR 5-40-72):**

- A. Notice and Proof of Completion form**
- B. Statement indicating compliance or variations**
- C. Final survey**
- D. Daily inspection logs**



## **Rules & Regulations**

(K.A.R. 5-40-1 to 5-40-106)

### **Other requirements:**

#### **4. As-built drawings (KAR 5-40-12):**

##### **A. As-built drawings required for:**

- 1. High impact dams**
- 2. Any dam, if required by permit**
- 3. Any dam, if required for a change during construction**

##### **B. As-built drawing requirements**



## Roles and Responsibilities

- Owner's Role and Responsibilities
- Engineer/Contractor Responsibilities



## Responsibilities after Construction

- Maintain project and adhere to permit/approval conditions (KAR 5-40-75)
- Modifications require prior approval (KSA 82a-301 and KAR 5-40-76)
- Inspections (KSA 82a-303b and KAR 5-40-92 and 5-40-93)

## Additional Items

- Certificates of Completion
- Water Structure Numbers



## Questions

