

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 46.—General Permits

5-46-1. General permits; bridge and culvert replacement projects.

(a) Except as provided in subsection (e), the construction of any bridge or culvert replacement project with a watershed of 2,560 or more acres in zone one, 3,840 or more acres in zone two, and 5,120 or more acres in zone three shall meet the criteria in subsection (c) of this regulation. Before construction, the applicant shall apply for and obtain a general permit from the chief engineer. The application shall be filed on a form prescribed by the chief engineer and shall be accompanied by plans or sketches meeting the requirements of K.A.R. 5-42-2.

(b) Except as provided in subsection (e), the construction of any bridge or culvert replacement project with a watershed of fewer than 2,560 acres in zone one, 3,840 acres in zone two, and 5,120 acres in zone three shall meet the criteria in subsection (c) of this regulation. Before construction, the applicant shall properly complete an application for, and receive the consent of, the chief engineer. The application shall be filed on a form prescribed by the chief engineer.

(c) Each bridge replacement and culvert replacement project shall meet all of the following criteria:

(1) The project shall not be a change either in alignment or in the cross section of a stream of more than 200 feet in length on minor streams, and not more than 400 feet in length on moderate or major streams as measured along the original channel. A minor stream is defined as a stream or watercourse that has a mean annual flow of less than five cubic feet per second (cfs). The major streams are the Kansas River, the Arkansas River, and the Missouri River. A moderate stream is defined as a stream or watercourse with a mean annual flow equal to or greater than five cfs, but is not a major stream.

(2) The proposed culvert or bridge replacement shall have the following:

(A) A cross-sectional area at least equivalent to that of the original bridge or culvert for water to flow over, through or around; and

(B) a road grade across the floodplain and approaching the bridge or culvert that is not raised by more than an average of one foot. The average rise of the road grade shall be calculated by measuring the difference between the proposed grade and the existing grade at the beginning and end of each interval of 100 or fewer feet, dividing the sum of the two differences by two and multiplying the mean by the number of feet in the interval. The sum of these calculations from each interval shall then be added together and the total sum divided by the length, in feet, of the road alteration. The average road grade shall not increase by a cumulative amount of more than one foot since April 11, 1978.

(3) A vegetative strip measuring 50 feet from the bank and outward on each side of a channel change shall be maintained in a manner consistent with the existing riparian vegetation and other design criteria.

(4) The project shall not alter the channel's cross-sectional area by more than 15 percent, nor shall it alter the channel length by more than 10 percent.

(d) If any bridge or culvert replacement project does not meet the requirements of this regulation, the applicant may apply for a nongeneral permit pursuant to K.S.A. 82a-301 et seq., and amendment thereto, before construction.

(e) If any bridge or culvert replacement project does not meet the requirements of this regulation or the chief engineer determines that the project may have an unreasonable effect on the public interest, public safety, or environmental interests, the right to perform the following shall be reserved by the chief engineer:

(1) Require a general permit meeting the requirements of this regulation or a nongeneral permit meeting the requirements of K.S.A. 82a-301 et seq., and amendment thereto, before construction; and

(2) amend, modify, or revoke the prior general permit or consent issued in accordance with this regulation.

(Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective Sept. 22, 2000.)

***** Authenticated Kansas Administrative Regulation *****