

# **Kansas Administrative Regulations**

## **Kansas Department of Agriculture—Division of Water Resources**

### **Article 45.—Design of Levees**

#### **5-45-20. Application to place an unconsolidated material storage stockpile or safety berm.**

(a) In lieu of the maps, plans, profiles, data, and specifications required for other floodplain fills, each request for approval to place an unconsolidated material storage stockpile (UMSS) or safety berm shall contain the following:

- (1) A completed application filed on a form prescribed by the chief engineer; and
- (2) the statutorily required filing fee.

(b) If the proposed UMSS or safety berm will be constructed wholly or partially within a floodway, the request for approval shall also contain a copy of the no-rise certification, hydraulic analysis, maps, cross sections, and other supporting information required for local governmental approval of a floodway fill pursuant to the following:

- (1) 44 C.F.R. 60.3, dated October 1, 2007; and
- (2) the "procedures for 'no-rise' certification for proposed development in the regulatory floodway," dated October 12, 1995, by the federal emergency management agency (FEMA), region VII.

(c) If the proposed UMSS or safety berm will be constructed completely outside a floodway, the request for approval shall also contain the following:

(1) A map or aerial photograph with a scale of not less than one to 3,600 showing the location and extent of the proposed UMSS or safety berm during the initial year of operation and the location and maximum aerial extent of the proposed UMSS or safety berm over the life of the project;

(2) a scale drawing of a cross section of the floodplain perpendicular to the stream showing the following:

- (A) The streambed;
- (B) the ground surface;

(C) levees and other features defining the edges of the floodplain;

(D) the base flood elevation; and

(E) the location of any other levees, floodplain fills, UMSSs, and safety berms at or below the base flood elevation and located within five times the width of the water surface during the base flood or 1,320 feet, whichever is less, of the proposed project both upstream and downstream from the boundaries of the proposed project superimposed on the cross section, using the centerline of the stream as the horizontal reference; and

(3) a geometric analysis, or a more accurate hydraulic analysis, showing that the proposed UMSS or safety berm will not cause an unreasonable effect. The geometric or more accurate analysis shall include the cumulative effects of all existing and proposed levees, floodplain fills, UMSSs, and safety berms located within five times the width of the water surface or 1,320 feet, whichever is less, of the proposed project both upstream and downstream from the boundaries of the proposed project.

(Authorized by and implementing K.S.A. 2007 Supp. 24-126; effective Oct. 3, 2008.)

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