

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 45.—Design of Levees

5-45-7. Levees and floodplain fills; application.

(a) The application for approval of plans to construct a levee or floodplain fill shall be filed on the form(s) prescribed by the chief engineer, including application supplements, and shall be completed in proper form according to the instructions. To be complete, the application shall include:

- (1) application DWR No. 3-100.1;
- (2) the application supplement, DWR Form No. 2-102;
- (3) plans fully complying with requirements of K.A.R. 5-45-2;
- (4) specifications fully complying with requirements of K.A.R. 5-45-3; and

(5) a copy of an application to the governing body for a floodplain development permit, if the proposed levee or floodplain fill will change the limits of the floodplain or floodway boundaries, or both.

(b) The statutory time limit on the chief engineer's deliberation for approval for floodway fringe fills shall not begin until the application is complete. When such a floodway fringe fill application is received by the chief engineer, it will be reviewed to determine whether or not it is complete. If the application is complete, the chief engineer will notify the applicant when the 90-day review period began and will end. If the application is not complete, the additional information will be requested and the applicant informed that the 90-day statutory review period has not yet begun. For a floodway fringe fill application, when comments are received as a result of the water projects environmental coordination act review under K.S.A. 82a-325, et seq., which require modification of the plans, the 90-day statutory time limit shall be suspended from the time the modifications are requested by the chief engineer until satisfactory modifications of the plans are received by the division of water resources. When the appropriate modifications have been received, the 90-day time limit will begin again with

the same number of days remaining as were remaining at the time of the suspension.
The applicant shall be notified in writing as to the dates of the suspension and restart of the 90-day time limit.

(Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

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