

# **Kansas Administrative Regulations**

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

### **Article 45.—Design of Levees**

#### **5-45-13. Levees; floodplain fills; unreasonable effect.**

(a) Except as set forth in subsection (b), no plans for any levee or floodplain fill that has an unreasonable effect on another shall be approved by the chief engineer. An unreasonable effect caused by a levee or floodplain fill shall be deemed any of the following:

(1) An increase in the elevation of the design and base flood profiles of more than one foot at any location outside a floodway;

(2) any increase in the elevation of the design and base flood profiles within a floodway; or

(3) a cumulative increase of more than one foot in the elevation of the design and base flood profiles.

(b) A levee or floodplain fill that has an unreasonable effect on another may be approved by the chief engineer subject to any conditions necessary to protect the public interest if either of the following criteria is met:

(1) The applicant demonstrates to the chief engineer that the applicant has obtained legal authorization from any landowner whose land is unreasonably hydraulically affected by a greater increase in the elevation of the design and base flood profile.

(2) The following conditions are met:

(A) The owner of the undeveloped, unplatted land that will be hydraulically affected by an increase in the design and base flood profiles of more than one foot by a federal or state cost-shared roadfill, bridge, or culvert replacement project has been notified of the proposed hydraulic effects by the chief engineer.

(B) The owner has failed to object within the time limit set forth in the notice.

(C) The chief engineer determines that the increase will not be likely to materially damage the private or public property.

(Authorized by and implementing K.S.A. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992; amended Sept. 22, 2000.)

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