



State Association of Kansas Watersheds Annual Meeting

**THE KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources — Water Structures**

January 30, 2024

Project Overview

- **The following areas were included in the evaluation:**
 - **Dam Permitting/Approval Process**
 - **Dam Inspection Process**
 - **Assessment of Risk**
 - **Compliance and Enforcement**
 - **Watershed District Act**
 - **Other Programmatic Challenges**
 - **Staffing and Funding**
 - **Staffing Adjustments for Recommended Enhancements**

Project Approach

- **Compare the Dam Safety Program's regulatory program and processes to other states, national averages and industry standards.**
 - **Interviews with Program Staff**
 - **Interviews with other states' Dam Safety Program Representatives**
 - **Alabama, Arizona, California, Colorado, Connecticut, Georgia, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia**
 - **Review publications and industry standards**
 - **ASDSO publications**
 - **NRCS publications**
 - **US Fish and Wildlife publications**
 - **USACE publications**



Dam Inspections

- **Return to agency-conducted safety inspections.**
 - **Maintain 3-year rotation for High Hazard Potential Dams.**
 - **Maintain 5-year rotation for Significant Hazard Potential Dams.**
 - **Inspect Low Hazard Potential Dams on a 10-year rotation.**

Application Fees

- **Need to increase application fees to support the services provided.**
 - **High Hazard Potential Dam — \$5,000 New / \$3,000 Modification**
 - **Significant Hazard Potential Dam — \$3,000 New / \$2,000 Modification**
 - **Low Hazard Potential Dam — \$1,500 New / \$1,000 Modification**



Registration Fees

- **Registration fees are needed to support the services provided.**
 - **High Hazard Potential Dam – \$1,500 / year**
 - **Significant Hazard Potential Dam – \$1,000 / year**
- **Capped at \$10,000 / year / owner.**





Compliance and Enforcement

- **Ability to assess civil penalties for dams and stream obstructions for non-compliance with regulations.**
- **Use risk-informed decision making to prioritize enforcement actions.**

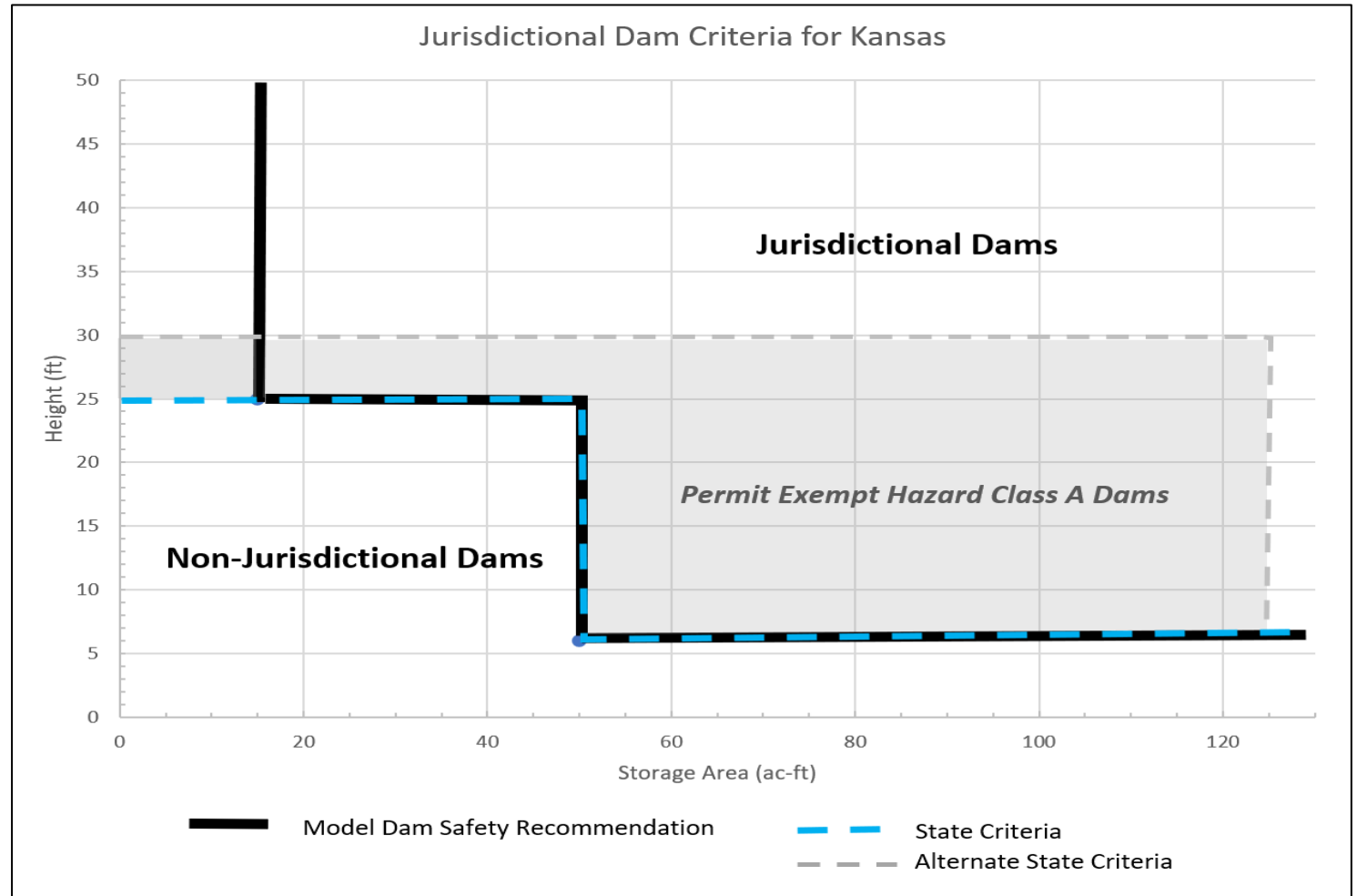
Class A Exemptions

- **Remove Class A exemption for a dam that has a height of less than 30 feet and a storage volume of less than 125 acre-feet at the auxiliary spillway.**
- **Maintain the exemption for confined feeding facilities.**



Definitions and Flexibility

- Definition of a Dam (regulated dam)
- Remove permit exemption for hazard class A dams



Staffing

- **Kansas ranks 49th of the 50 state dam safety programs on the number of dams per Full Time Equivalent (FTE).**
- **To perform existing services and proposed inspections, we would need 16 FTEs.**



Watershed District Act

- **Regulations are needed to clarify requirements of the Act.**



Other Recommendations Not Included in the Evaluation

- **Road fill dry detention exemption.**
 - **Exempt state, county, or municipal dry detention road fill dams from dam requirements.**
 - **Permit as stream obstruction.**



Potential Regulatory Changes

- **Use Risk Informed Decision Making to define “Unsafe Dam” in regulations or guidance**
- **Added flexibility for modifications and repairs**
 - **Modify K.A.R 5-40-76 (Repair or modification of a permitted dam shall meet the statutes and regulations in effect when the application for repair or modification is filed.)**
- **Move non-safety standard design criteria to guidance**

THANK YOU

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