



GENERAL PROCEDURES FOR PROJECTS IN THE FLOODPLAIN

All applications for projects that will occur either on a property that is located within the floodplain or a project that actually will occur in the floodplain will be reviewed by our floodplain administrator in conjunction with the City Engineer. The Administrator will make a recommendation as to which path the application will be handled. Some projects may be able to be completed without any further involvement from the City; some projects may require that the City issue a Floodplain Development Permit. Other projects may require that the project be approved at the State or Federal level.

No Permit.

Maintenance – This work is currently covered by our codes and ordinances. Property owners are required to maintain their properties, including but not limited to debris removal, including dead trees, weed control, maintenance of slopes, and maintenance of vegetation. This work does not require a permit. If there is a question the property owner may ask for a review and the decision on the need for a permit will be determined by Codes Officials in consultation with the City Engineer.

Regulatory Authority.

All work within the floodplain is subject to the jurisdiction of the Federal, State and Local governments. Our Federal and State laws in general prohibit the modification of the waterway and its environment. Any project that affects the stream bed, stream bank, floodplain or impedes or diverts the flow of waters may be subject to permit by the US Army Corps of Engineer, Division of Water Resources and Kansas Department of Health and Environment. Further, it is noted that these agencies act as a clearing house for many other State and Federal agencies that may exercise jurisdiction over these areas as well such as Wildlife and Parks, Fish and Game, and the Environmental Protection Agency, to name a few. At any time, State and Federal agencies may seek jurisdiction over any work in the floodplain.

Permit Process.

All work requiring a building permit that is located within the floodplain (see attached) that includes minor grading and filling of the floodplain requires an additional flood plain fill permit. Usually State and Federal agencies do not seek jurisdiction over this type of work. Therefore the applicant may complete this application concurrently with his request for a building permit. This request requires an additional review by the City Engineer. If the work is deemed minor and does not negatively affect the flow of water a local flood plain fill permit maybe issued.

If the work is not minor in nature, the applicant is directed to seek jurisdictional opinion from the State and Federal agencies and evidence a permit or lack of jurisdictional authority from each agency. The applicant is required to request this directly from the



agency. This evidence should be included with a revised application and will then be considered for a local building permit.

The applicant will undoubtedly need to seek professional services from a variety of engineering and environmental consultants to proceed with this level of work.

Preliminary reviews and limits of local authority.

It is advised that the applicant request a review by the City prior to the application of a permit. The Floodplain Administrator and City Engineer will review each case and provide a directive on the need for a local permit as well as an opinion as to the need of State and Federal permits.

It should be noted, that staff opinions regarding work in the floodplain does not relieve the applicant of complying with all State and Federal regulations. At any time, the Cities opinion may be superseded by the State or Federal government should they choose to exercise jurisdiction. The issuance of a local permit does not waive the rights of State and Federal agencies or grant any protection for the applicant from the actions of these agencies. If an applicant requires greater assurances, he should contact the agency directly as noted above.

Attachments

- Permit Grid for Development in Floodplain
- Kansas Floodplain Development Permit/Application

Permit Grid for Development in Floodplain

If you...	Who You Need to Contact	Why...	Example of some Projects Requiring a Permit	Internet Sites for Information and Copies of the Law and Regulations
Develop any structure in the floodplain (minor or substantial).	Local Floodplain Administrator. Contact: Fairway City Hall Phone #: 262-0350 x0 Community Development Director Basil Alani Email: balani@fairwaykansas.org <i>For</i> <i>Additional Information</i> Kansas NFIP Coordinator. Contact: Tom Morey Phone: 785-296-5440 Email: tom.morey@kda.ks.gov	FEMA administers the National Flood Insurance Program. The National Flood Insurance Program requires a permit for all developments in the floodplain. Your local floodplain administrator issues the floodplain development permit. STEP 1: The flood plain administrator will let you know if your property is located in the fringe or in the floodway. STEP 2: You must apply for a Floodplain Development Permit. If your property is located in the fringe you must submit an elevation certificate (surveyor or engineer) in addition to your application. If your property is located in the floodway a "no rise certificate" is required (must be through a certified engineer) in addition to your application. STEP 3: The administrator will then approve or deny your application.	Development is defined as: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. ALL DEVELOPMENTS WILL NEED A PERMIT.	FEMA: http://www.fema.gov/library/viewRecord.do?id=2108
Obstruct a Stream. Construct Fills or Levees in Floodplains. Place Fill Material or Excavate in Waters of the U.S., including a Wetland, or Excavate or Remove Material from Waters of the U.S.	U.S. Army Corps of Engineers Kansas City District: NE KS Area: Phone: 816-983-3990 N. KS Area: Phone: 785-546-2130 S. KS Area: Phone: 316-322-8247	Section 404 of the Clean Water Act (CWA) requires that the Corps of Engineers issue a permit for the discharge of dredged or fill material into waters of the U.S., including wetlands (33 USC 1344). The Corps permit regulations are in 33 CFR 325. Please note that the district engineer is available for pre-application consultation.	May include, but aren't limited to: Building or modifying a dam, creek, waterway, wetland, pond or stream.	U.S. Army Corps of Engineers, Kansas City District: http://www.nwk.usace.army.mil/regulatory/regulatory.htm
	Kansas Dept. of Health and Environment, Watershed Management Section, Bureau of Water Contact: Scott Satterthwaite Phone: 785-296-5573	K.A.R (Kansas Administrative Regulations) 28-16-28b thru 28f(c)(1) Sec. 401 of the CWA	Any projects that could discharge or cause runoff of pollutants to Kansas waters.	Kansas Dept. of Health and Environment http://www.kdhe.state.ks.us/nps/index.html#resources
	Kansas Department of Agriculture, Div. of Water Resources Contact: Edward Byrd Phone: 785-296-2933	K.S.A. (Kansas Statutes) No. 82a-301 to 305a K.S.A. No. 24-126	Constructing or changing a dam, levee, or any other water obstruction. Constructing or changing a levee or fill.	Kansas Dept. of Agric., Div. of Water Resources http://www.accesskansas.org/kda/dwr