Commonwealth of Kentucky
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water

INSTRUCTIONS TO APPLICANTS FOR APPROVAL OF CONSTRUCTION IN A FLOODPLAIN

Chapter 151 of the Kentucky Revised Statutes and related regulations require approval by the Natural Resources and Environmental Protection Cabinet prior to the construction or reconstruction of any dam, embankment, levee, dike, bridge, fill or other obstruction in the floodplain of any stream in the Commonwealth. In order to comply with this statute, anyone who proposes such an activity ***must submit to this Cabinet an application and one (1) set of such plans, drawings, and specifications as are necessary*** for a determination of the proposed project's compliance with state laws and regulations and of the effects of the project on the floodway and the flooding of the stream. The application and other information shall be sent to:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, Kentucky 40601
Telephone: (502) 564-3410

The applicant is responsible for proper design, engineering and construction of the proposed project. The Cabinet's approval of the plans does not relieve the applicant from any liability related to construction, operation, or maintenance of the project.

Each application shall be made on the standard form available from, and in the manner specified by, the Cabinet's Division of Water. [NOTE: The application shall not be considered complete until all information required by the Division has been properly submitted.] The application shall be made in the name of the owner, but may be submitted by an authorized agent of the owner. (If submitted by the agent, a Power of Attorney or other authorization by the owner should be included with the application.) The owner must own or have easement or other rights to all property on which the project is to be located, including all areas that are to be entered onto or disturbed by the construction process (for dams, this applies also to the area that would be inundated during an occurrence of the appropriate design flood). KRS 151.260 requires that all plans and specifications submitted with the application be ***prepared by a professional engineer licensed to practice in Kentucky unless this requirement is waived by the Division.*** In order to facilitate handling and storage, the information accompanying the application should be on ***standard size sheets between 8 x 10 inches and 17 x 22 inches (24 x 36 inches for dams)***. The following listing identifies the types of information generally required for the Division's analysis. In some cases additional information as specified by the Division may be required.

1. **General:** All plans submitted must prominently display at least the following information regarding the proposed project: name of the project, date, scale, name of stream, direction of flow, purpose and intended use, scheduling of activities, and location. Photographs of the proposed construction site looking both upstream and downstream at each cross-section and other points of interest are generally useful and may be required. All elevations shall be given with respect to mean sea level. Also, a north arrow shall be provided where applicable. A public notice will be required unless waived by the Division, see Section #9 on the following page.

2. **Bridges or Fills:** A properly completed Stream Construction Permit Application Data Sheet; a map showing the location of the proposed project and showing the stream far enough upstream and downstream to determine the approach and discharge flow conditions above and below the site (500 feet minimum); a section of USGS quadrangle map indicating general location of the project; the drainage area and the method of determining the design flow; the ***finished floor elevations of all houses located within 1000 feet of the project***; field-surveyed cross-sections (referenced to MSL) of the stream at the site of the project showing conditions both before and after construction and extended to at least the elevation of the extreme flood of record plus three feet, preferably at intervals of not more than one hundred (100) feet; additional cross-sections every one hundred (100) feet for five hundred (500) feet upstream and downstream—the final required number and spacing of cross-sections shall be based on whatever is necessary to determine the effects of the proposed construction on the flow and flooding of the stream, but in general no fewer than four sections shall be provided in each direction. Cross-sections shall be

presented with left and right appearing as they would for an observer looking downstream. See typical cross-section detail requirements below.

3. **Cross-Section Requirements (see typical drawing):**

   (1) All cross-sections shall be obtained by field survey. All sections shall be taken perpendicular to stream flow presented with left and right appearing as they would for an observer looking downstream.

   (2) The horizontal scale shall be such that one inch (1") represents no more than two hundred feet (200'). The vertical scale shall be such that one inch (1") represents no more than twenty feet (20'). This requirement may be waived by the Division upon the request of the applicant if another scale is determined more appropriate.

   (3) The cross-sections shall be designated by horizontal stationing with station 0 + 00 designating the most downstream section, 1 + 00 indicating a section one hundred (100) feet upstream, and so on (see sketch representing typical plan view).

4. **Dams:** A properly completed Dam Construction Permit Application Data Sheet; the project location (provide portion of USGS quadrangle map); the hazard classification determined by the design engineer to be appropriate (justification for the classification may be required by Division of Water); plans and specifications of sufficient detail to show spillways and other hydraulic and structural features to afford a basis for judgement as to the safety of the structure. In the case of class "B" or class "C" dams (as defined by Division of Water regulations), the Division will require complete design plans in accordance with the minimum design criteria set forth in 401 KAR 4:030. (Copies of this regulation are available from the Division.) [NOTE: The owner must own or have adequate easement rights for the property on which the dam is to be constructed and on the entire reservoir area (up to the level of the appropriate design flood).]

5. **Channel Relocations:** A properly completed Stream Construction Permit Application Data Sheet; a project location map (preferable USGS quadrangle map); ***the finished floor elevations of all houses located within 1000 feet of the project;*** surveyed cross-sections referenced to mean sea level, of both proposed and existing channel with left and right appearing as they would for an observer looking downstream; the cross-sections should extend to at least the height of the extreme flood of record with sections taken at the upstream and downstream ends of the relocation, and sufficient sections taken in between to adequately portray changes in stream gradient and geometry, preferably at intervals of not more than one hundred (100) feet; no fewer than three cross-sections should be submitted; at least one cross-section should be submitted for the channel one hundred (100) feet downstream of the proposed relocation. See typical cross-section requirements in #8 below.

6. **Pipeline Stream Crossings (for crossings that are not covered under 401 KAR 4:050):** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS 7.5' quadrangle map); a profile along the pipe; the diameter of pipe; the material and the weight of pipe in pounds per linear foot, and the weight and type of anchorage; and all data requested under Bridges or Fills presented above.

7. **Aerial Crossings:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); a profile along crossing showing supports, water surface elevation, and distance above water at closest point.

8. **Fixed Docks, Piers, Wharves, Water Intakes, etc.:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); the elevation of docks, top of structure, extreme high water, and normal pool; and the distance that the structure will project into stream.

9. **Public Notice Information:**

As part of the stream construction permit issuance procedures, the applicant must provide notice to all parties who might be affected by the construction for which a permit has been requested. Public notice may be provided by either of the following methods:

(1) Publishing a notice in the newspaper or newspapers having greatest circulation in the area of the proposed construction. The notice shall provide at least (a) the name of the applicant, (b) the location, the nature and the extent of the proposed construction, and (c) a statement indicating that any comments and objections are to be directed to the Division of Water. The notice shall prominently display address and telephone number of the Division of Water's Floodplain Management Section, which are given at the beginning of these instructions. The notice shall run for a period of three (3) consecutive days or printings of the newspaper. However, if the newspaper is published weekly, two (2) consecutive printings may be allowed upon request of the applicant. Proof of public notice through the newspaper must be provided to the Division . The public notice shall be at least three column inches in size, but must in all cases be large enough that all of the information required is readable.

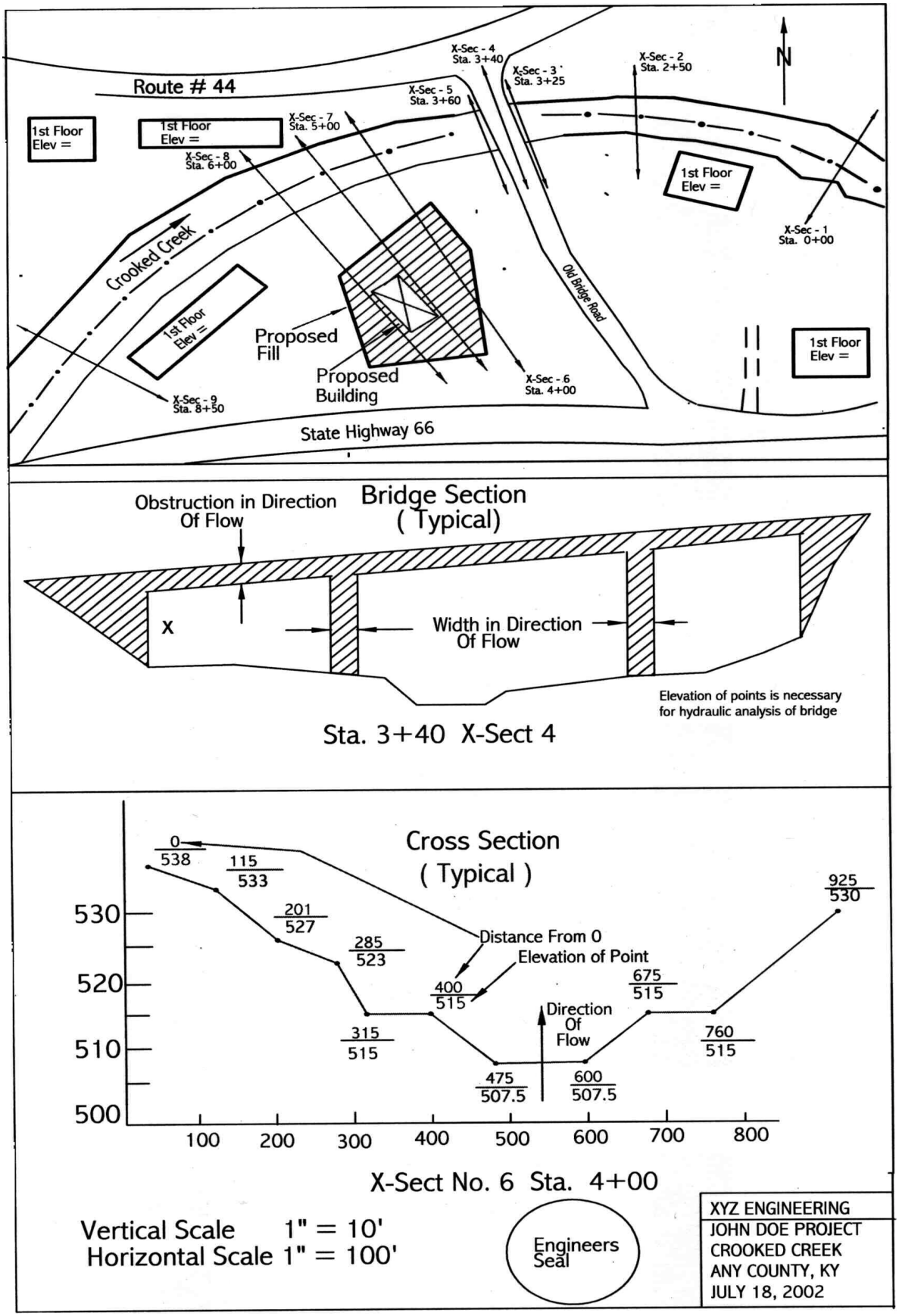
(2) Submitting affidavits from all parties who reside, own property, or have other legitimate property interests in the affected areas. The affidavit must contain a complete description of the proposed construction; a place for concerned parties to sign indicating that they have read the statement and that they understand that a permit application is being submitted or has been submitted to the Division; and the Division's address and telephone number with explanation that comments and objection are to be directed to this agency. All affidavits shall be submitted to the Division of Water, Water Resources Branch for review.

Under certain circumstances, where flooding impacts are negligible, the Division may waive the public notification requirement. If desired, the Division can provide more detailed information regarding the circumstances under which such a waiver might be issued.

EXAMPLE OF PUBLIC NOTICE

—— Public Notice ——

Notice is hereby given that (NAME AND ADDRESS), has filed an application with the Natural Resources and Environmental Protection Cabinet to (BRIEF DESCRIPTION OF CONSTRUCTION). The property is located (LOCATION DESCRIPTION, INCLUDE MILES FROM NEAREST TOWN OR MAJOR ROAD INTERSECTION AND NAME OF STREAM). Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601. Phone: (502) 564-3410.



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