



# Emergency Stream Bank Stabilization and Restoration



The Kentucky Environmental Compliance Assistance Program (ECAP) is issuing this fact sheet to inform community leaders and citizens of potential environmental responsibilities relating to stream work following a severe weather event. This fact sheet is focused on compliance with floodplain requirements, water-quality certifications (WQC) and U.S Army Corps of Engineer (USACE) permits.

## Should I contact DOW before beginning stream/wetland work?

**Yes.** The Kentucky Division of Water (DOW) and U.S. Army Corps of Engineers operate programs that should be contacted before beginning any stream work. Please contact the Water Quality Certification Section at (502) 564-3410 or [401WQC@ky.gov](mailto:401WQC@ky.gov) before any work begins and notify your [DOW Regional Office](#). These programs are as follows:

- The [DOW Floodplain Construction Program](#) approves or denies construction activities in the 100-year floodplain of all streams in the Commonwealth.
- The [DOW §401 Water Quality Certification Program](#) ensures that activities involving the discharge of dredge or fill material into the waters of the Commonwealth and requiring a federal permit are consistent with Kentucky water-quality standards.
- The [USACE Regulatory Program](#) regulates the discharge of dredge or fill material into the waters of the United States and may issue Nationwide Permits (NWPs) for specific activities.

## It's my property! Do I really need a permit or certification?

**Maybe.** The following activities often require approval from DOW:

Typical activities permitted by DOW along or across a stream concern dams, bridges, culverts, residential and commercial buildings, placement of fill, stream alterations or relocations, small impoundments and water, wastewater treatment plants and utility lines. Also, open space activities, such as golf courses, playgrounds, RV and other parks, must be permitted.

Examples of activities that may require USACE permits and DOW §401 Water Quality Certifications are stream relocations, road crossings, stream bank protection, construction of boat ramps, placing fill, grading, dredging, ditching, mechanically clearing a wetland, building in a wetland, constructing a dam, or dike and stream diversions. For more information, view DOW's guidance on [Severe Weather Cleanup Activities](#) and their [Water Quality Certification Fact Sheet](#).

Some activities are exempt from the WQC process. If you adhere to the guidelines outlined by the DOW for the removal of stream flow obstructions, you are not required to obtain a DOW permit. Review DOW's fact sheets on the [Removal of Stream Obstructions](#) and [Stream Maintenance](#) for proper guidance to protect Kentucky's water systems and aquatic ecosystems.

### Who should read this fact sheet?

- Community Leaders
- Private Entities
- Citizens
- Contractors

## What forms do I need to fill out?

Should you discover that you need DOW and/or USACE approval for your project, you may need to do the following:

- Submit [DOW Form 7116](#): Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification. See this [link](#) for detailed instructions on what is required to apply.
- Applicants should contact their area USACE office for information regarding NWP's and Clean Water Act §404 permitting requirements. A listing of USACE regional offices can be found under the [Kentucky USACE Districts Map](#).



## Is there financial assistance available?

**Maybe.** For assistance for flood cleanup or removal projects affecting public or private landowners, the Natural Resource Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) has a multitude of established assistance programs to aid in the funding of cleanup and repair projects. The Emergency Watershed Protection (EWP) Program is a 75/25 cost-share program established to financially assist in the cleanup of the recent flooding events. For additional information, see

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/>.

## Can you afford not to call DOW before beginning any stream work?

**No.** If it is discovered that you have altered a stream or wetland without federal or state approval, you are subject to both **financial penalties** and your activities may have **long-term adverse effects** on your neighbors and the environment.

Environmental penalties can result in fines of \$25,000 per day, per violation.

Working in streams and wetlands requires planning and proper use of equipment. Oftentimes, short-term fixes can result in more significant damage during the next severe storm event.

DOW can provide technical assistance regarding stream behaviors and information about how modifications can worsen or improve problem areas.

## **Important Contacts:**

### **KY Division of Water Water Quality Certification**

300 Sower Blvd.  
3rd Floor  
Frankfort, KY 40601  
502-564-3410

[401WQC@ky.gov](mailto:401WQC@ky.gov)

[https://eec.ky.gov/  
Environmental-  
Protection/Water/  
PermitCert/  
WQ401Cert](https://eec.ky.gov/Environmental-Protection/Water/PermitCert/WQ401Cert)

### **U.S Army Corps of Engineers**

[http://  
www.usace.army.mil](http://www.usace.army.mil)

Louisville Office  
502-315-6733  
Memphis Office  
901- 544-3471  
Nashville Office  
615-369-7500

### **Kentucky Floodplain Coordinators**

[https://eec.ky.gov/  
Environmental-  
Protection/Water/  
FloodDrought/  
Documents/  
FloodplainCoordinat  
orsList.pdf](https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Documents/FloodplainCoordinatorsList.pdf)

The information in this document is offered only as general guidance. It is not a substitute for reading and understanding Kentucky's statutes and regulations governing the applicability and issuance of environmental permits. Specific requirements may vary with location. ECAP is not authorized to relieve any person from any requirement of federal regulations or Kentucky law through this document.

