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Emily B Caudill  
REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Conservation

4 (Amendment)

5 416 KAR 1:010. Administration of Kentucky Soil Erosion and Water Quality Cost-share Fund.

6 RELATES TO: KRS 146.080-146.115, 224.71-100-224.71-140, 262.010-262.660

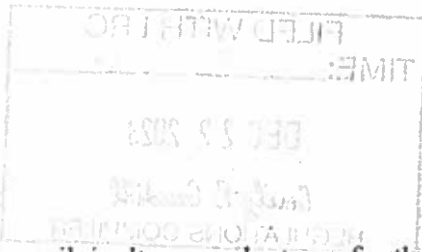
7 STATUTORY AUTHORITY: KRS 146.110-146.115

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.110 through 146.115

9 authorize the Soil and Water Conservation Commission to promulgate administrative regulations  
10 governing administration of the Kentucky Soil Erosion and Water Quality Cost-share Fund, which  
11 provides cost-share assistance to persons engaged in agricultural and silvicultural production for  
12 implementation of best management practices for purposes such as providing cleaner water through  
13 the reduction in the loading of sediment, nutrients, and pesticides in Kentucky streams, rivers, and  
14 lakes; reducing the loss of topsoil vital to the sustained production of food and fiber; and preventing  
15 surface water and groundwater pollution. This administrative regulation establishes criteria for  
16 participation in that cost-share program.

17 Section 1. ~~Definitions.~~

18 ~~(1) "Agricultural or silvicultural production" means any farm operation on a tract of land,~~  
19 ~~including all income producing improvements and farm dwellings, together with other farm~~  
20 ~~buildings and structures incident to the operation and maintenance of the farm, used for the~~  
21 ~~production of livestock, livestock products, poultry, poultry products, milk, milk products, or~~



1 ~~silviculture products, or for the growing of crops such as tobacco, corn, soybeans, small grains, fruit,~~  
2 ~~and vegetables; or devoted to and meeting the requirements and qualifications for payments to~~  
3 ~~agriculture programs under an agreement with the state or federal government.~~

4 (2) ~~"Agriculture water quality plan" is defined by KRS 224.71-100(10).~~

5 (3) ~~"Animal waste" means feces, urine, or other excrement, digestive emission, urea, or~~  
6 ~~similar substance emitted by animals (including any form of livestock, poultry, or fish). This includes~~  
7 ~~animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material~~  
8 ~~typically found with this waste.~~

9 (4) ~~"Applicant" means a person who applies for cost-share assistance from the Kentucky Soil~~  
10 ~~Erosion and Water Quality Cost share Fund.~~

11 (5) ~~"Available funds" means moneys budgeted, unobligated, and distributed to the~~  
12 ~~commission for the purposes of KRS 146.115.~~

13 (6) ~~"Best management practices" means, for agricultural or silvicultural production, the most~~  
14 ~~effective, practical, and economical means of reducing and preventing water pollution provided by~~  
15 ~~the United States Department of Agriculture Natural Resources Conservation Service and the Soil~~  
16 ~~and Water Conservation Commission.~~

17 (7) ~~"Case file" means the collection of materials that are assembled and maintained for each~~  
18 ~~application for cost share assistance.~~

19 (8) ~~"Conservation district" or "district" is defined by KRS 262.010(3).~~

20 (9) ~~"Cost share assistance" means cost share funds awarded by the commission from the~~  
21 ~~Kentucky Soil Erosion and Water Quality Cost share Fund.~~

22 (10) ~~"District supervisor" means a member of the governing board of a conservation district.~~

23 (11) ~~"Eligible land" means land on which agricultural or silvicultural production is being~~

1 conducted.

2 (12) ~~"Groundwater" means subsurface water occurring in the zone of saturation beneath the~~  
3 ~~water table and any perched water zones below the B soil horizon.~~

4 (13) ~~"Performance and maintenance agreement" means a written agreement between an~~  
5 ~~eligible person and the district in which the eligible person agrees to implement and to maintain the~~  
6 ~~best management practices for which cost share assistance is being awarded.~~

7 (14) ~~"Program year" means the period from July 1 to June 30.~~

8 (15) ~~"Soil and Water Conservation Commission" or "commission" means the commission~~  
9 ~~established by KRS 146.090.~~

10 (16) ~~"Surface water":~~

11 (a) ~~Means those waters having well-defined banks and beds, either constantly or~~  
12 ~~intermittently flowing; lakes and impounded waters, marshes, and wetlands; and any subterranean~~  
13 ~~waters flowing in well-defined channels and having a demonstrable hydrologic connection with the~~  
14 ~~surface; and~~

15 (b) ~~Does not mean effluent ditches and lagoons used for waste treatment that are situated on~~  
16 ~~property owned, leased, or under valid easement by a permitted discharger.~~

17 (17) ~~"Water priority protection region" means an area specifically delineated where water~~  
18 ~~pollution from agricultural or silvicultural production has been scientifically documented.~~

19 (18) ~~"Watershed" means all the area from which all drainage passes a given point~~  
20 ~~downstream.~~

21 Section 2. ]Eligibility of Persons.

22 (1) Eligible persons. Persons conducting agricultural or silvicultural production shall be  
23 eligible to receive cost-share assistance for best management practices if:

1 (a) The person has prepared an agriculture water quality plan; and

2 (b) The person agrees to perform and to maintain best management practices for the period  
3 of time established by the commission.

4 (2) Ineligible persons. A person engaged in agricultural or silvicultural production shall not  
5 be eligible for further cost-share assistance if the applicant has:

6 (a) Failed or refused to comply with agriculture water quality planning requirements and has  
7 been deemed a "bad actor" pursuant to KRS 224.71-130; or

8 (b) Failed to comply with practice lifespans or complete previous cost-share projects within  
9 five (5) years prior to the application date.

10 Section ~~2.~~[3.] Eligible Best Management Practices.

11 (1) Purposes of best management practices. The Kentucky Soil Erosion and Water Quality  
12 Cost-share Funds shall be used to provide cost-share assistance for development and implementation  
13 of best management practices for:

14 (a) Providing cleaner water through the reduction in sediment loading of Kentucky streams,  
15 rivers, and lakes;

16 (b) Reducing the loss of topsoil vital to sustain production of food and fiber; and

17 (c) Preventing surface water and groundwater pollution.

18 (2) Approved best management practices. Complete listings of eligible best management  
19 practices are contained in the ~~[2019-]~~Kentucky Soil Erosion and Water Quality Cost-Share Practice  
20 Handbook.

21 Section ~~3.~~[4.] Solicitation of Applications.

22 (1) The commission shall establish for each program year a deadline for submittal of  
23 applications for cost-share assistance.

1 (2) Each conservation district shall provide an opportunity for persons within the district to  
2 submit applications in time for the next program year by advertising the availability of cost-share  
3 assistance in appropriate news media, such as electronic media, local newspapers, local radio  
4 stations, and any newsletters published by the district.

5 Section 4.~~5.~~ Contents and Completion of Applications.

6 (1) Contents of application. An applicant shall submit to the [~~conservation~~]district in which  
7 the eligible land is located the Kentucky Soil and Water Cost Share Program Application, found at  
8 <https://dep.gateway.ky.gov/eForms/Main/Forms.aspx>, in order to apply for cost-share assistance.  
9 The applicant shall include with the application:

10 (a) An agriculture water quality plan in effect for the eligible land that is compliant with KRS  
11 224.71-120 and updated to be current with the Statewide Agriculture Water Quality Plan authorized  
12 by KRS 224.71-110; and

13 (b) If known to the applicant or as made in consultation with the appropriate technical  
14 agency, the anticipated total cost of the best management practice to be implemented and the  
15 percentage, if any, of the cost that the applicant proposes to bear, which percentage shall not be less  
16 than minimums established by the commission for the particular best management practice.

17 (2) An applicant applying for cost-share funds for best management practices involving  
18 nutrient storage shall include a nutrient management plan as established in the Statewide Agriculture  
19 Water Quality Plan.

20 (3) (a) Completion of applications. An applicant who does not have an agriculture water  
21 quality plan that is compliant with KRS 224.71-120 and updated to be current with the Statewide  
22 Agriculture Water Quality Plan authorized by KRS 224.71-110, in effect for the eligible land, or  
23 who has not determined the anticipated total cost of the requested best management practice may

1 request technical assistance from the [~~conservation~~]district in developing a best management  
2 practices plan and determining costs.

3 (b) If the best management practices plan has been developed and the anticipated total cost  
4 determined, the application shall be reviewed in accordance with the eligibility and prioritization  
5 criteria established by this administrative regulation.

6 Section 5.~~[6.]~~ Review of Applications.

7 (1) Each [~~conservation~~]district shall review and determine the eligibility of all applications  
8 submitted to the district by the established deadline.

9 (2) The board of supervisors for the district shall vote upon eligibility at a meeting conducted  
10 in accordance with the Open Meetings Law, KRS 61.805 to 61.850, and record the outcome in the  
11 minutes of the board of supervisors for that meeting.

12 (3) A district supervisor who is also an applicant for cost-share assistance shall not vote on  
13 eligibility.

14 (4) The district shall forward the applications to the commission within fifteen (15) days after  
15 determining eligibility.

16 Section 6.~~[7.]~~ Prioritization of Applications. The commission shall prioritize the applications  
17 of persons determined by the [~~conservation~~]districts to be eligible for cost-share assistance and shall  
18 make the final award of cost-share assistance.

19 (1) Classification of priorities. Applications shall be prioritized based on:

20 (a) Applicants conducting agricultural or silvicultural production needing animal waste  
21 management systems where animal waste has been identified by the Energy and Environment  
22 Cabinet as a water pollution problem; and

23 (b) Applicants who are members of agricultural districts.

1 (2) Applications within each classification established in subsection (1) of this section shall  
2 be prioritized based on:

3 (a) 1. Presence of water pollution, based on:

4 a. Notification by a local, state, or federal agency that the applicant's agricultural or  
5 silvicultural production has caused or contributed to water pollution;

6 b. Determination of the Energy and Environment Cabinet that a surface water affected by the  
7 applicant's agricultural or silvicultural production is not meeting its designated use;

8 c. Identification by the Energy and Environment Cabinet of a water priority protection region  
9 encompassing the location of the applicant's agricultural or silvicultural production; or

10 d. Other documentation of water pollution, such as through a biological assessment; or

11 2. Potential for development of water pollution from agricultural or silvicultural production  
12 in the watershed in which the applicant's agricultural or silvicultural production is being conducted;

13 (b) Types of water pollutants:

14 1. Animal waste;

15 2. Sediment run-off;

16 3. Nutrient loading; or

17 4. Pesticide application, storage or disposal;

18 (c) Proximity of pollutant to groundwater or surface water;

19 (d) Magnitude of water pollution; and

20 (e) Location in a priority watershed as established by the Agriculture Water Quality  
21 Authority or Division of Water including a source water protection area.

22 Section 7.[8.] Allocation of Cost-share Assistance.

23 (1) The available funds received by the commission for the cost-share program shall be held

1 by the [~~Kentucky~~] Division of Conservation and disbursed to the [~~conservation~~] districts based on  
2 requests from the districts approved by the commission after a practice has been completed and all  
3 paperwork has been signed as complete and submitted for payment. The district shall be granted a  
4 share of the Kentucky Soil Erosion and Water Quality Cost-share Fund that shall be held by the  
5 division[~~Kentucky Division of Conservation~~] based on the commission's approval of an initial  
6 district request in accordance with the prioritization system established in Section 6[7] of this  
7 administrative regulation.

8 (2) Any funds granted by the commission and distributed by the division[~~Kentucky Division~~  
9 ~~of Conservation~~] to a district for a practice that results in overpayment shall revert to the commission  
10 if the district has not received prior permission to obligate the funds to another applicant within one  
11 (1) year from receipt.

12 (3) The commission shall retain ten (10) percent of the annual appropriation in a contingency  
13 fund to be allocated to assist persons engaged in agricultural or silvicultural productions and  
14 implementing the agriculture water quality program mandated by Subchapter 71 of KRS Chapter  
15 224.

16 Section 8[9.] Design of Best Management Practices. Once cost-share assistance has been  
17 awarded by the commission, the local district shall designate a technician to develop final design  
18 and layout for the approved best management practices.

19 Section 9[10.] Execution of Performance and Maintenance Agreements. After an  
20 application has been awarded cost-share assistance and before the applicant has received payment  
21 of the cost-share funds, the applicant and the [~~conservation~~] district shall execute a performance and  
22 maintenance agreement.

23 (1) Requirements of performance and maintenance agreements. The performance and



1 maintenance agreement shall require the applicant to comply with paragraphs (a) through (d) of this  
2 subsection.

3 (a) The applicant shall agree to perform those best management practices approved in  
4 accordance with this administrative regulation.

5 (b) The applicant shall agree to maintain approved best management practices for the  
6 expected life of each practice agreed upon in the performance and maintenance agreement.

7 (c) Upon completion of the approved best management practice, the applicant shall notify  
8 the district that the practice has been installed and shall provide to the district for its inspection all  
9 vouchers, bills, and receipts associated with the practice.

10 (d) The applicant shall agree that at the time of transfer of ownership of land where a best  
11 management practice has been applied using cost-share assistance and the expected life assigned the  
12 practice has not expired, the applicant shall execute a contract with the transferee requiring  
13 continuation of those practices until completed.

14 (e) Approved applicants shall complete the practice within one (1) year from the date of  
15 approval. Upon request, the division[~~Division of Conservation~~] shall grant a six (6) month extension  
16 per approved application. After two (2) extensions have been granted and expired, the landowner  
17 shall forfeit the right to the funds.

18 (2) Effect of performance and maintenance agreement. Requirements for performance and  
19 maintenance of best management practices applied using cost-share assistance shall be established  
20 in the performance and maintenance agreement and reviewed with the applicant at the time of  
21 application submittal and before completion of a certification of practices.

22 (3) Refund of funds disbursed.

23 (a) The district shall require a refund of cost-share assistance funds if the district determines:

1           1. An approved best management practice has not been maintained in compliance with  
2 approved design standards and specifications for the practice during its expected life as agreed in the  
3 performance and maintenance agreement; or

4           2. a. The applicant voluntarily relinquishes control or title to the land on which the best  
5 management practice that was installed using cost-share funds and the new owner, heir, or operator  
6 does not agree in writing to properly maintain the practice for the remainder of the lifespan.

7           b. If the applicant voluntarily relinquishes control or title to the land on which the best  
8 management practice that was installed using cost-share funds pursuant to clause a. of this  
9 subparagraph, then the applicant shall only be responsible for refunding to the district the amount of  
10 funds prorated on the number of years remaining in the best management practice maintenance  
11 agreement.

12           (b) 1. If the district determines that the applicant shall refund the amount of the cost-share,  
13 the applicant shall have thirty (30) days to make payment to the district. The district may grant the  
14 applicant an extension of time to make the refund upon the submission of a written request by the  
15 applicant.

16           2. If the applicant fails to timely refund the amount of the cost-share, the district shall refer  
17 the matter to the commission.

18           3. If the district declines to seek a refund, the district shall state its reason for not doing so  
19 and notify the commission and the applicant. The commission shall review the matter to determine  
20 whether or not to seek a refund.

21           4. If the commission becomes aware of a situation in paragraphs (a)1. or (a)2. of this  
22 subsection, and the district fails to review the matter, the commission shall conduct a review of the  
23 matter and determine whether or not to seek a refund.

1           5. The commission shall be authorized to recover the amount of the cost-share by initiating  
2 a legal action in the Franklin Circuit Court.

3           (4) Application for future cost-share assistance. Best management practices that have been  
4 successfully completed and that later fail as the result of floods, drought, or other natural disasters,  
5 and not the fault of the applicant, shall not prohibit the applicant from applying for additional cost-  
6 share assistance to restore the practices to their original design standards and specifications.

7           (5) Certification. Upon notification by the applicant that the approved best management  
8 practice has been completed and before disbursement of funds from the district, the appropriate  
9 technical agency shall certify to the district that the practice has been installed in accordance with  
10 the [2019-]Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook.

11           (6) Limitations on awards.

12           (a) Cost-share assistance awarded to an applicant shall be limited to a maximum of seventy-  
13 five (75) percent of the actual cost, not to exceed an amount approved by the commission, for each  
14 best management practice, with the assisted applicant providing twenty-five (25) percent of the cost,  
15 which may include in-kind support, with a maximum of \$20,000 per year.

16           (b) An applicant shall only submit one application per program year.

17           (c) Cost-share assistance may be used with federal or local cost-share funds on the same  
18 practices if the total cost share payment does not exceed seventy-five (75) percent of the practice  
19 cost.

20           (d) Cost-share assistance shall not be awarded to best management practices in progress prior  
21 to cost-share approval or previously-installed practices by the applicant.

22           Section 10.[14-] Reporting and Accounting. District reporting and accounting. A district  
23 shall:

1 (1) Maintain a control ledger showing the current approved applications to the commission  
2 and cost share approved amounts for approved applications, based on estimated cost;

3 (2) Submit a monthly~~quarterly~~ report to the commission indicating any unobligated balance  
4 of allocated and disbursed cost-share funds as shown on each ledger;

5 (3) Submit an annual progress report to the commission showing accomplishments "to date"  
6 for the current program year; and

7 (4) Assemble case files for each approved application, filed by program year and accessible  
8 for public inspection, containing:

9 (a) The approved application for allocated funds;

10 (b) A copy of the estimated cost sheet;

11 (c) Certification of practice completion;

12 (d) Applicant's vouchers, bills, or receipts;

13 (e) Final designs for best management practices;

14 (f) The performance and maintenance agreement;

15 (g) Any amendments to the performance and maintenance agreement; and

16 (h) A map locating the practices.

17 Section 11.~~[12.]~~ Appeals.

18 (1) Procedure for filing appeal. An applicant aggrieved by a decision of the commission  
19 denying an application or limiting the amount of financial assistance may file a written appeal with  
20 the commission. The appeal shall be filed within thirty (30) days of the decision and shall state the  
21 basis for the appeal.

22 (2) Procedure for hearing appeal.

23 (a) The commission shall notify the applicant and the local district that they may appear

1 before the commission and present testimony or written documentation on the issues presented by  
2 the appeal.

3 (b) The commission shall have sixty (60) days in which to make a decision and to notify the  
4 local district and the applicant.

5 (3) Review of final decision. The decisions of the commission may be appealed to the  
6 Franklin Circuit Court.

7 Section 12[13]. Incorporation by Reference.

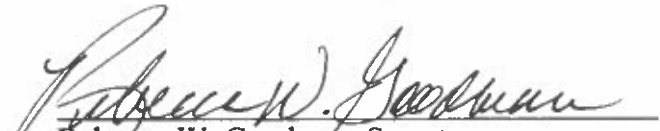
8 (1) "[~~The 2019~~]Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook",  
9 December 2023[~~October 2019~~] is incorporated by reference.

10 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,  
11 at the Division of Conservation, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through  
12 Friday, 8 a.m. to 4:30 p.m., Eastern Standard Time.

13 (3) This material may also be obtained at the Division of Conservation's Web site at  
14 <https://eec.ky.gov/Natural-Resources/Conservation/Pages/State-Cost-Share.aspx>.

416 KAR 1:010 approved for filing.

12/22/2023  
Date

  
Rebecca W. Goodman, Secretary  
Energy and Environment Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on March 26, 2024 at 5:00 p.m. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Dawn Baase, Environmental Scientist Consultant  
Department for Natural Resources  
Office of the Commissioner  
300 Sower Blvd, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601  
Phone: (502) 782-6311  
Fax: (502) 564-4245  
Email: Dawn.Baase@ky.gov

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

416 KAR 1:010

Contact Person: Dawn Baase  
Phone: (502) 782-6311  
Email: Dawn.Baase@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes criteria for participation in the Kentucky Soil Erosion and Water Quality Cost-share program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish criteria for participation in the Kentucky Soil Erosion and Water Quality Cost-share program and to establish other program requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 146.110 through 146.115 authorize the Soil and Water Conservation Commission to promulgate administrative regulations governing administration of the Kentucky Soil Erosion and Water Quality Cost-share Fund.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the requirements to receive cost-share funds.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes the definitions to this administrative regulation, which will be moved to a new administrative regulation that will house all the definitions for 416 KAR Chapter 1. The reporting requirement is amended to require conservation districts to report monthly to the Division of Conservation. It also amends the Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to move the definitions from administrative regulation to a new administrative regulation that will house all the definitions for 416 KAR Chapter 1. The reporting requirement is amended from quarterly to monthly to be consistent with other reporting deadlines to the Division of Conservation. Amendments to the Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook incorporated by reference are necessary to correct grammatical errors, amend nomenclature, and to add best management practices that were previously omitted.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by continuing to provide financial assistance to persons implementing best management practices for the purpose of providing cleaner water by reducing sediment loading, reducing topsoil loss, and preventing surface water and groundwater



pollution.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will allow for the removal of definitions that are to be moved to a new administrative regulation that will house all the definitions for 416 KAR Chapter 1 in a central location. It also amends the Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook incorporated by reference, which will assist applicants in selecting best management practices available under the cost-share program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 121 conservation districts in the Commonwealth. In FY22 and FY23 an average of 1976 farmers applied for cost-share grants. In FY22 \$4,301,477 in funds were awarded and \$4,203,631 in FY23.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities identified will be required to submit a report indicating any unobligated balance of awarded cost-share funds on a monthly basis.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The entities identified will not cost the entities additional funds.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified do not have any additional benefits due to the amendments to this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no costs associated with the implementation of this amendment.

(b) On a continuing basis: There will be no costs associated with the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation will not require an additional source of funding. The Kentucky Soil Erosion and Water Quality Cost-share Fund was established in 1994 and funded from general funds and pesticide Production Registration Fees. Beginning in 2000, the program has been funded through Tobacco Master Settlement Agreement Funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to the this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No, tiering is not applied to this administrative regulation. All entities may apply to receive cost-share funds. Funding is awarded based on availability and the project proposed.

## FISCAL NOTE

416 KAR 1:010

Contact Person: Dawn Baase  
Phone: (502) 782-6311  
Email: Dawn.Baase@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Soil and Water Conservation Commission, Division of Conservation, and county conservation districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 146.110-146.115.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendments to this administrative regulation will not generate additional revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendments to this administrative regulation will not generate additional revenue for state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year? The program associated with this administrative regulation will be administered using the cabinet's current budget.

(d) How much will it cost to administer this program for subsequent years? The program associated with this administrative regulation will be administered using the cabinet's normal budget in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no further explanation.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The amendments to this administrative regulation will not provide cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The amendments to this administrative regulation will not provide cost savings in subsequent years.

(c) How much will it cost the regulated entities for the first year? The amendments to this administrative regulation will not cost regulated entities.

(d) How much will it cost the regulated entities for subsequent years? The amendments to this administrative regulation will not cost regulated entities in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): There is no known cost savings.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no further explanation.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a negative or adverse economic impact.

## SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

416 KAR 1:010

The "Kentucky Soil Erosion and Water Quality Cost-Share Practice Handbook", December 2023, is a 23-page handbook to be used by entities applying for cost-share funds by outlining best management practices for livestock, cropland, and forestland. The handbook was amended to correct grammatical errors and nomenclature to be consistent with the cost-share regulation and the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). Amended references include corrections to the Kentucky Soil Erosion and Water Quality Cost-Share Program, and the USDA NRCS Environmental Quality Incentives Program and Field Office Technical Guidance. Amended nomenclature for Vegetative Treatment Area to Vegetated Treatment Area (635) under the current eligible practices and corresponding tables for the Livestock: AFO and Pastureland BMP categories. Amended nomenclature for Forage and Biomass Planting to Pasture and Hay Planting (512) under the current eligible practices and corresponding tables for the Livestock: Pastureland and Cropland BMP categories. Added Roof Runoff Structure (558) practice and clearly indicated that a nutrient management plan is required for Heavy Use Area Protection (561) practices for feeding areas under current eligible practices and corresponding table for the Livestock: Pastureland BMP category. Added Fence (382) and Heavy Use Area Protection (561) to current eligible practices and corresponding table for the Cropland BMP category. Added one adult cow per 1.5 acres as BMP criteria eligible as specified under the Livestock: AFO and Livestock: Pastureland BMP categories. References to job sheet recommendations were amended to implementation recommendations to reflect current NRCS language. Specified the file name and location of the KY Graze Tool found on the NRCS web page. Added labels to the BMP tables for each category and included a List of Tables with page numbers with the Table of Contents.

