

# Emergency Stream Bank Stabilization and Restoration

*Simplifying Compliance*



The Kentucky Division of Compliance Assistance (DCA) 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 call the Water Quality Certification Section at 502-564-3410 before any work begins and notify your DOW Regional Office at [water.ky.gov/Pages/CTAB.aspx](http://water.ky.gov/Pages/CTAB.aspx). 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 Water-Quality Certification/401 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/404 Program** regulates the discharge of dredge or fill material into the waters of the United States.

## 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 a USACE/Section 404 permit and DOW water-quality certification/Section 401 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.

Some activities are exempt from the water-quality certification process. If you adhere to the guidelines outlined by the DOW for the removal of stream flow obstructions, you are exempt from WQC. These guidelines can be found by contacting the Division of Water, Water Quality Certification program at [water.ky.gov/permitting/Pages/KYWaterQualityCertProg.aspx](http://water.ky.gov/permitting/Pages/KYWaterQualityCertProg.aspx).

Who should read this fact sheet?

- ⇒ Community Leaders
- ⇒ Private Entities
- ⇒ Citizens
- ⇒ Contractors



### Contacts

Division of Compliance Assistance  
502-564-0323  
envhelp@ky.gov  
[DCA.ky.gov](http://DCA.ky.gov)

Division of Water  
502-564-3410  
[Water.ky.gov](http://Water.ky.gov)

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## Important Contacts

### KY Division of Water Water Quality Certification

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

[water.ky.gov/  
permitting/Pages/  
KYWaterQuality  
CertProg.aspx](http://water.ky.gov/permitting/Pages/KYWaterQualityCertProg.aspx)

### U.S. Army Corps of Engineers

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

Louisville Office  
502-315-6733

Huntington Office  
304-399-5210

Nashville Office  
615-369-7500

### Association of State Floodplain Managers

[www.floods.org](http://www.floods.org)

### Kentucky Floodplain Coordinators

[water.ky.gov/  
floodplain/Documents/  
Floodplain%  
20Coordinators%  
20and%  
20Community%  
20Database.pdf](http://water.ky.gov/floodplain/Documents/Floodplain%20Coordinators%20and%20Community%20Database.pdf)



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### 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 submit the following:

- ◆ **Combined application for a permit to construct across or along a stream and/or water-quality certification** [water.ky.gov/  
floodplain/Documents/Floodplain%  
20Coordinators%20and%20Community%20Database.pdf](http://water.ky.gov/floodplain/Documents/Floodplain%20Coordinators%20and%20Community%20Database.pdf)
- ◆ **Application for a Department of the Army Permit, Engineer Form 4345**



**Before submitting an application, contact DOW and review the “Emergency Stream Bank Restoration and Stabilization Fact Sheet” prepared by the WQC Section of DOW.**

### 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 [www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/landscape/ewpp/](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

