

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Office of Kentucky Nature Preserves

4 (Amendment)

5 418 KAR 1:010. Definitions for 418 KAR Chapter 1.

6 RELATES TO: KRS 146.550-146.570, 446.010(18)

7 STATUTORY AUTHORITY: KRS 146.550-146.570

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) authorizes [~~requires~~]
9 the cabinet, with approval of the board to promulgate administrative regulations necessary for
10 application for funds from the agencies identified in KRS 146.570, review and approval of proposed
11 projects, and review and approval of grants. KRS 146.560(2) authorizes [~~requires~~] the cabinet, with
12 approval of the board to promulgate administrative regulations on land acquisition. This
13 administrative regulation establishes definitions for terms used in 418 KAR Chapter 1.

14 Section 1. Definitions.

15 (1) "Access land" means land necessary for reasonable and planned ingress and egress from
16 the project site.

17 (2) "Acquisition" means the procurement of land and includes options, appraisals, maps,
18 surveys, title opinions, title insurance and environmental audits, and inspections.

19 (3) "Administration" means activities conducted by the Office of Kentucky Nature Preserves
20 to accomplish the purposes of KRS 146.550 through 146.570 and 418 KAR Chapter 1 and
21 encompasses reasonable operating costs, consultant and contractor fees, and staff and equipment

costs for approved activities including project development, application, conservation easement, deed restriction, and management plan assessment, implementation and enforcement, and biological inventories of fund projects.

(4) "Areas important to migratory birds" means those areas important to the reproduction and survival of migratory birds, including:

(a) Large tracts of contiguous forest;

(b) Wooded greenspace areas;

(c) Shallow open water habitats with expansive areas of shoreline;

(d) Wetlands or wetland complexes including marshes, deep water sloughs, and swamps;

(e) Natural or restored grasslands; and

(f) Riparian corridors.

(5) "Board" means the Kentucky Heritage Land Conservation Fund Board.

(6) "Buffer land" means land that will aid in protecting the project site from harm or will prevent degradation of the visitor experience at the project site.

(7) "Chair" means the chairperson of the board.

(8) "Dollar for dollar" means that for every Kentucky Heritage Land Conservation Fund dollar granted by the board, the applicant spends an equal amount at the board's direction.

(9) "Fund" means the Kentucky Heritage Land Conservation Fund.

(10) "Grant" means an award of money from the Kentucky Heritage Land Conservation Fund pursuant to KRS 146.570(4)[(f)].

(11) "Greenspace" means undeveloped land in or around urban areas, including forests or other natural vegetation, stream-side corridors, natural areas, and abandoned rights-of-way.

1 (12) "Local governments" means county governments, municipalities, school districts, and
2 special districts, or a combination thereof.

3 (13) "LTO" means Private, nonprofit land trust organization as defined by subsection (19) of
4 this section.

5 (14) "Management" means the stewardship necessary to fulfill the purposes of KRS 146.550
6 through 146.570 and 418 KAR Chapter 1 and encompasses site development costs and reasonable
7 operating costs, consultant and contractor fees, facility development, supplies, materials, site-
8 specific equipment, and staff costs.

9 (15) "Natural area" means any area of land or water, or of both land and water, in public or
10 private ownership, which either retains or has reestablished to some degree, in the judgment of the
11 office, its natural character, though it need not be completely natural and undisturbed, or which has
12 natural flora, fauna, biological, ecological, geological, scenic, or archaeological features of scientific,
13 aesthetic, cultural, or educational interest.

14 (16) "Natural state" means the condition of an area that retains, has substantially
15 reestablished, or is in the process of reestablishing, an indigenous ecosystem.

16 (17) "Office" is defined by KRS 146.415(4).

17 (18) "Outdoor recreation" means activity on a subject property that does not cause harm to
18 the property or its natural state, or hinder the heritage land conservation purposes of KRS 146.550
19 through 146.570.

20 (19) "Private, nonprofit land trust organization" means a group with Internal Revenue Code
21 501(c)(3) status qualified to hold land and easements for land conservation purposes.

1 (20) "Rare and endangered species" means those plants and animals identified [~~as such~~] by
2 the Office of Kentucky Nature Preserves in accordance with 400 KAR 2:080 Section 6 and 400 KAR
3 Chapter 3.

4 (21) "RMP" means resource management plan.

5 (22) "State agency" means any department, program, cabinet, institution, board, commission,
6 office, or agency of the Commonwealth of Kentucky.

7 (23) "State colleges and universities" means accredited colleges and universities located in
8 the Commonwealth of Kentucky.

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