

**Water Resources Board  
Meeting Minutes  
February 2, 2017**

Board Members in Attendance: Earl Bush (County Judge Executives); Brent Burchett (Proxy, KDA); Steve Coleman (KY Farm Bureau); Lloyd Cress, Jr. (KY League of Cities); Dr. Nancy Cox (UK); John Dix (KRWA); Kate Shanks (Proxy, KY Chamber of Commerce); Charles Snavelly (EEC Secretary); Shane Wells (Proxy, KACD);

Board Members Absent: Jared Carpenter (LRC); Kevin Jeffries (Soil and Water Conservation Districts); Kevin Rogers (KY Chamber of Commerce); Ryan Quarles (Commissioner Dept. of Agriculture);

Others in Attendance: Paulette Akers (Director DCA); Adam Andrews (KYCGA); Amy Babey (USACE); Biff Baker (GOAP); Angela Billings (DPH-EMB); Steve Blanford (NRCS); Chloe Brantley (DOW); Brandon Brummet (USACE); Lane Boldman (KY Conservation Committee); Joe Cain (KYFB); Bill Caldwell (DOW); David Chinn (Monty's Plant Food Co.); Pete Cinotto (USGS); Allison Crawford (KYSEC); Lee Anne Daveine (USACE); Nicole Erwin (OVR); Peter Goodmann (Director DOW); Mike Griffin (USACE); Amanda Gumber (UK-CES); Richard Harrison (ORSANCO); Steve Higgins (UKCAFE); Wayne Hunt (Hunt Farms); Carey Johnson (DOW); Samantha Kaiser (DOW); Aaron Keatley (Commissioner DEP); Jim Kipp (KWRRD); Allen Kyle (Kyle Farms); Gary Larimore (KRWA); David London (USACE); Hailey McCoy (EEC); Kim Richardson (DOC); Bijaya Shrestha (KWA); Joscoh Sisk (Sisk Farms); Larry Thomas (Farmer); Michael West (EEC-OGC); Karen Woodrich (USDA-NRCS);

The meeting began at 1:05 p.m.

Call Meeting to Order and Roll Call of Board Members

Secretary Snavelly called the meeting to order. Peter Goodmann led the roll call of Board members. The Board will need to decide on a member to take the place of Senator McKee.

Introduction of Guests

Secretary Snavelly introduced Colonel Chris Beck from the US Army Corps of Engineers (USACE). He is the Commander of the Louisville District. Colonel Beck introduced his team from the Louisville District.

Guests introduced themselves.

Minutes of November, 2016

The meeting minutes from November were approved by consensus.

Water Resources Discussion with Colonel Chris Beck, USACE

Colonel Beck gave a presentation about the USACE authorities. He discussed the civil works watershed-based boundary lines which cover five states and are centered in Kentucky. The Louisville District regulates Indiana, Illinois, and Kentucky. The USACE strives to provide consistency in all areas. Budgets vary for different projects and programs. USACE provide funding for individual projects in navigation, flood and storm risk management, aquatic ecosystem restoration, and watershed planning, as well as,

programs in emergency management and regulatory programs. A smaller portion of the budget funds hydropower, recreation, and water supply. Colonel Beck stressed to the Board that though a policy may be authorized does not mean that funds have been appropriated to implement it. The 2016 Water Infrastructure Improvements for the Nation (WWIN) Act is the newest legislation which incorporated the Water Resources Development Act (WRDA). Several authorities were mentioned and the USACE asked the public to discuss how these authorities can benefit their projects. The Kentucky Silver Jackets is a group of organizations that meet every six weeks to share and leverage information and resources to improve flood risk management across the Commonwealth.

Lee Anne Devine gave a presentation on regulatory updates to the Board. She encourages the public to ask questions and reach out to the USACE. The USACE goal is to work with applicants to get approval and applicants are encouraged to have a pre-project meeting to discuss future projects and applications with the USACE. Most applications are revised before approval. Options with lesser environmental impact receive approval. The key for the applicant is having an open dialogue with USACE. If an approved option cannot be completed, the applicant can discuss other options with the USACE. The main two statutes that are regulated are Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

The Board asked Ms. Devine to further explain what qualifies as a permit exemption and how land owners should be advised on the application process. Ms. Devine reiterated that the USACE encourages anyone with questions to call before beginning a project for which a permit could be required, which is preferable to having the USACE perform a site visit after the project is completed. A written exemption request can be submitted to the USACE and could be issued within 60 days of receipt. If the exemption request is denied it could take up to four months to develop an application and receive an approved permit.

The USACE proposed rule for use of USACE reservoir projects for domestic, municipal and industrial water supplies is currently in the Federal Register and is open for comments until February 14, 2017.

Colonel Beck discussed the Ohio River Basin Comprehensive (ORBC) Plan initiative which is a collaboration of various agencies and stakeholders across 14 states to provide a strategic plan for prioritizing investments in order to efficiently and effectively address water resource related issues using a watershed approach. The Great Lakes Restoration Initiative has received consistent funding while Ohio River Division funds have decreased. The ORBC initiative could help with funding in the Ohio River Basin. The Ohio River Basin Alliance (ORBA) is leading the ORBC initiative and needs to maintain the momentum.

The Board would like a subgroup to continue discussions with Colonel Beck and the USACE. Colonel Beck discussed the challenges with creating a flow chart for possible exemptions and projects that could require permits because each individual project is unique, and cautioned that such a chart could be misleading.

#### Final Projects Profiles Report

Bill Caldwell (DOW) discussed the final project profile ranking results. The State Water Plan ranked number one. He reminded the Board of the two working committees (technical data committee and roadmap), members of the committees, and the areas of focus.

Motion: (John Dix) To recommend that the Cabinet pursue funding for projects that further the goals of the Water Resources Board to:

1. Develop technical data and studies that are necessary for the development of a State Water Plan, or
2. Implement additional surface, groundwater or soil moisture monitoring where it is determined to be necessary to quantify and manage water resources for planning purposes including drought monitoring and response; and
3. That the Cabinet will notify the Board as to when the Cabinet pursues funding opportunities and discuss the proposed project with the Water Resources Board at the next Board meeting.

Second: (Steve Coleman)

The Board further discussed the motion until all members understood the motion.

Vote: Unanimous

The two working committees will meet before the next Board meeting.

#### Open Discussion for Board Members

Mr. Coleman reminded the Board of the Kentucky Farm Bureau Water Management Work Group recommendations.

#### Public Comment Period

No public comments were made.

#### Next Meeting

Mr. Goodmann recommended that a future meeting be at Eden Shale. The Kentucky Farm Bureau Water Management Work Group meeting at Eden Shale is April 26, 2017. The Board will communicate through email to confirm meeting.

The meeting adjourned at 3:22 p.m.