

KENTUCKY WATER RESOURCES MEETING

2 February 2017

Presenter: COL Chris Beck (Louisville Commander)

"The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."



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USACE AUTHORITIES

COL Chris Beck
Commander (Louisville District)



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District Boundary Lines



Legend

- Kentucky
- Counties
- Congressional Districts

Corps Districts

- Huntington
- Louisville
- Memphis
- Nashville

Civil Works Business Lines

- **Navigation**
- **Flood and Storm Risk Management**
- **Aquatic Ecosystem Restoration**
- **Watershed Planning**
- **Emergency Management**
- **Regulatory Program**
- *Hydropower*
- *Recreation*
- *Water Supply*



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Key Policy & Laws

Flood Control & WRDA

- 1936 FCA – benefits exceed costs (benefit cost ratios)
- 1986 WRDA – cost sharing required for most projects
- 2016 WIIN – Water Infrastructure Improvements for the Nation

Laws, Statutes and Executive Orders

- National Environmental Policy Act
- Clean Water Act
- National Historic Preservation Act
- EO 11988 – Flood Plain Management
- Endangered Species Act



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Continuing Authorities Overview

Authority	Description	Per Project Cost Limit (\$M)	Per Program Cost Limit (\$M)
Section 14	Emergency Streambank Stabilization	5	20
Section 107	Navigation	10	50
Section 205	Flood Risk Management	10	55
Section 208	Flood Snagging/Clearing	0.5	7.5
Section 206	Aquatic Ecosystem Restoration	10	40
Section 1135	Ecosystem Restoration	10	25



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Other Programs & Authorities

- Planning Assistance to States (Section 22)
Can be used to provide technical or planning assistance on just about ANYTHING



- Flood Plain Management Services Program
- Emergency Management (PL 84-99)
- Environmental Infrastructure (Section 219 & 531)



Kentucky Silver Jackets

- Numerous Agencies
- Meets ~ every 6 weeks
- Share/leverage information resources



Questions?



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REGULATORY UPDATE

Lee Anne Devine
Chief, Regulatory (Louisville District)



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Regulatory Program Goals & Authorities

➤ Goals:

- Protect the Nation's aquatic resources while allowing reasonable development
- Fair, flexible and balanced decisions

➤ Authorities:

- Section 10 of the Rivers and Harbors Act of 1899
 - Regulate structure or work on navigable waters – maintain navigable capacity
- Section 404 of the Clean Water Act
 - Regulate discharge of dredged or fill material into “waters of the U.S.” - maintain physical, chemical and biological integrity of our nation's waters



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Regulatory Program Goals & Authorities

- Applications Include: Industrial Developments; Subdivisions; Water and Sewer Infrastructure; “Mom and Pop” Projects; River Facilities; Farming Activities; Roads; Marinas; Coal Mining Proposals, etc.
 - Pre-application Meetings -
 - Discuss alternatives, review process, timelines
 - Investigate qualification for Exemptions
 - Farming Exemptions –
 - Construction/ Maintenance of farm or stock ponds and farm roads; Normal ongoing farming and silvicultural activities
 - Site Visits
 - Determine jurisdiction
 - Public Interest Review
 - Special Conditions - Hours of Operation, Endangered Species, Historic Properties, Mitigation
- Work to get to YES



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Our Value to Kentucky

- Partnership with KY Transportation Cabinet (KYTC)
 - Developed a Memorandum of Agreement - Spring 2016
 - Fund 3 Positions through Section 214 of WRDA
 - Focus on Projects and Priorities specified by KYTC
 - More timely decisions
 - Develop better working relationships

- Partnership with Kentucky Department of Fish and Wildlife Resources
 - In Lieu Fee Program - Established in 2002; Updated in 2011
 - One of first across the country that was compliant with the 2008 Mitigation Rule
 - Great asset to the Commonwealth – provides mitigation opportunities for development projects
 - Outstanding partners in mitigation needs across the Commonwealth



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Status of Major Initiatives

- Waters of the United States
 - Clean Water Rule – Issued - June 2015/Stay - Oct 2015
 - April 2017 - Supreme Court to hear – District vs Circuit Court Decision
 - Did potentially increase the amount of isolated waters and wetlands that would be jurisdictional

- 2017 Nationwide Permits – Effective March 19, 2017

- Coal Permit Requests
 - Developed a Pre-Application process with KDNR, KDOW, USEPA, USACE, USFWS & OSM
 - Meet early to discuss projects to improve communication and coordination on coal applications
 - Eliminate inconsistent requirements from agencies
 - Fill Placement Optimization Process (FPOP)
 - Engineering process developed to minimize impacts
 - Reps from - KDOW, Environmental Group, Coal Companies, Consultant, KDMP, OSM, USACE
 - State of the Art Process



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Questions?



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OHIO RIVER BASIN UPDATE

COL Chris Beck
Commander (Louisville District)



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Overview

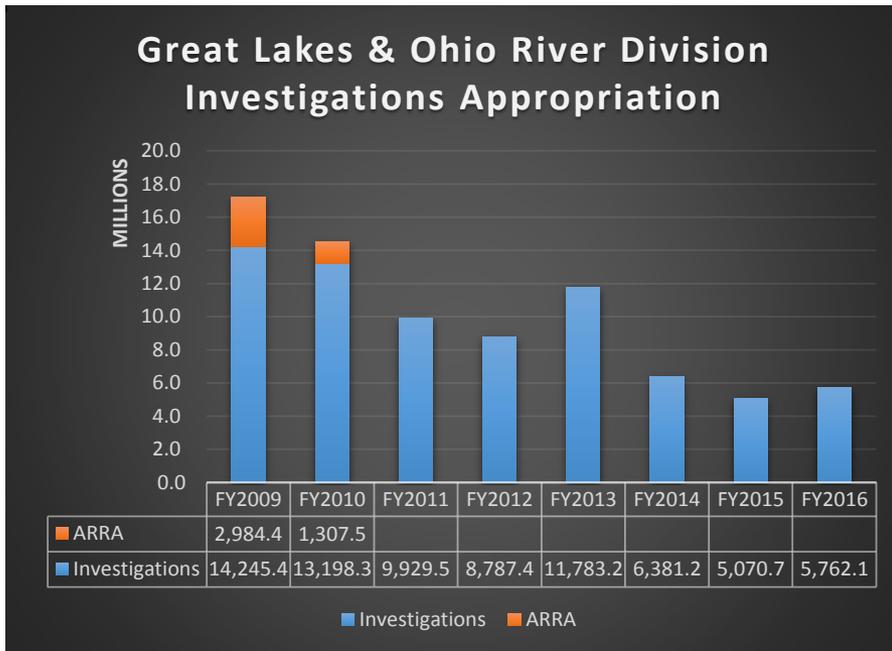
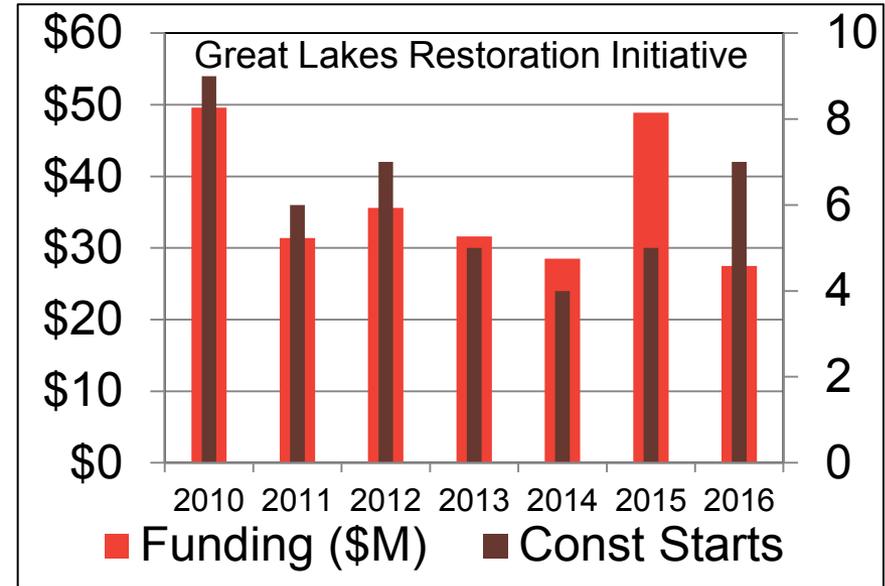
- Sustainability of the Ohio River Basin is a collaborative effort among various partners across 14 states
- Ohio River Basin Comprehensive (ORBC) Plan is intended to provide a strategic plan for prioritizing investments in order to efficiently and effectively address water resource related issues in a holistic manner using a watershed approach
- Ultimate goal is to garner interagency cooperation, establish a shared vision and voice within the Basin, collaboratively forecast future conditions and critical needs, identify opportunities to share and leverage resources, prioritize investments to promote a resilient and sustainable future, and implement timely solutions



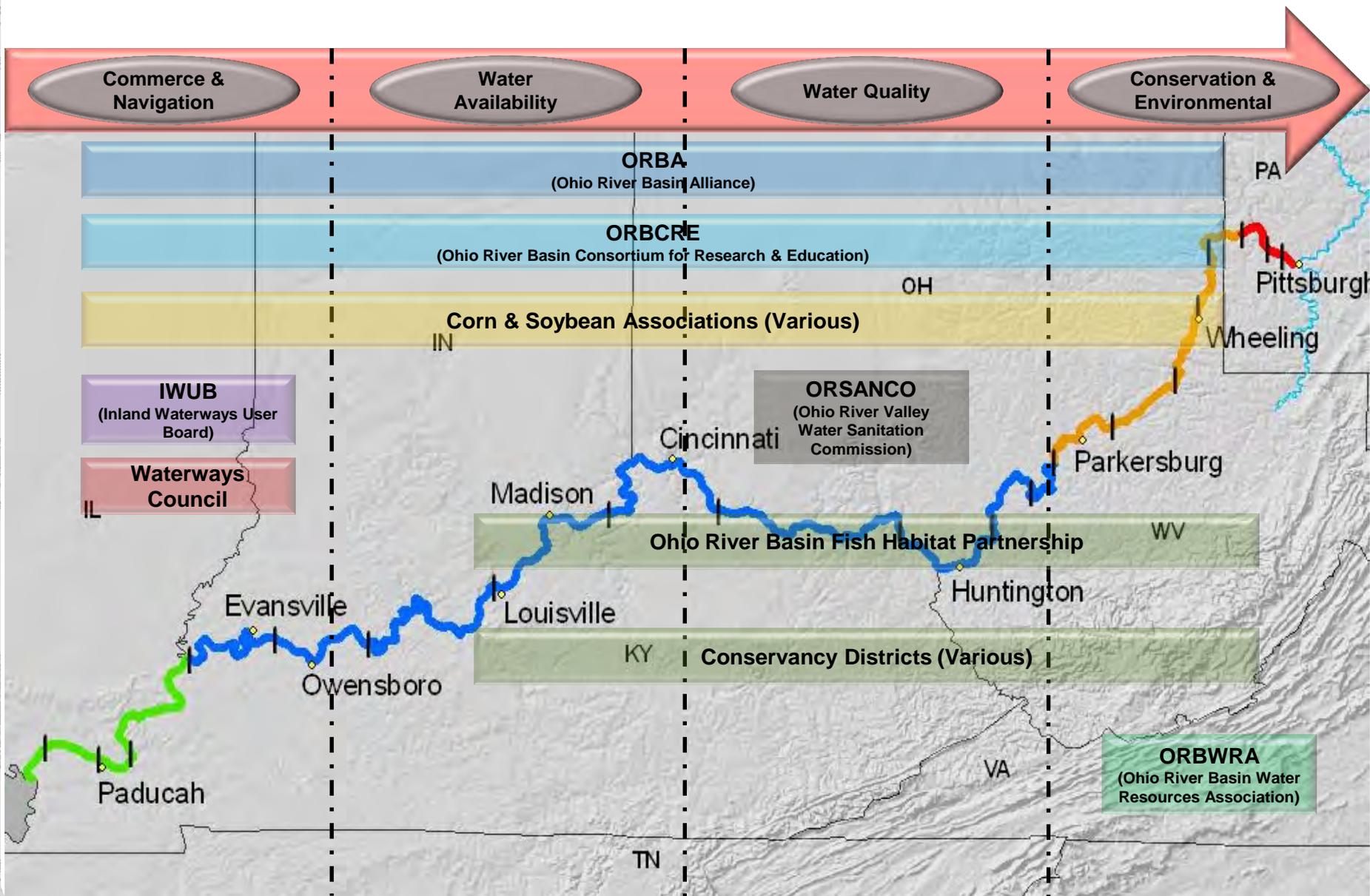
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Great Lakes Restoration Initiative VS Investigations Funding



Primary Mission(s)



Basin-Wide Investigations

Completed:

- Ohio River Navigation Dams Rehabilitation Prioritization Study
- Ohio River Basin Climate Change Adaptation/Mitigation Strategies Pilot Study
- Green River Final Watershed Assessment

Ongoing:

Licking River Watershed Final Watershed Assessment

Potential:

- Base Proposal - ORB Forum and GIS Resource Atlas
 - Engage Federal and State agencies and others to establish a stakeholder forum and develop a basin-wide digital atlas (GIS/Google Earth type format), a tool to facilitate access to best available government data and natural and human resources information to support government and private sector investment decisions.
- Option – Risk Assessment and Shared Vision Planning Model for the basin
 - Collaborative identification of threats and vulnerabilities to basin resources and opportunities for gains in Economic Development and Environmental Quality
 - Collaborative Shared Vision Planning Model for basin to manage risks and compare and prioritize investment opportunities



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Questions?



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