

Department for Natural Resources



**THINKING OF TAKING GRAVEL
FROM THE CREEK?**

“PLEASE THINK AGAIN”

IT’S ILLEGAL

Many landowners and small enterprises, including local governments, routinely obtain gravel from creeks and streams for road maintenance and fill. While this is an inexpensive way to obtain gravel, it is also **ILLEGAL**. Kentucky regulations clearly require anyone (including governments) to obtain a permit from the Department for Natural Resources before removing gravel from a creek. Anyone found removing gravel from a creek without a permit is subject to citation and monetary penalties up to \$5,000 per day. Think before you act! Call the **Kentucky Department for Natural Resources** at **(502) 564-2340** and ask for the non-coal branch. The call will pay for itself.

Creek gravel removal is regulated by the Non-Coal Branch in the Division of Mine Reclamation and Enforcement. 405 KAR 5:015 states “Mineral operations subject to 405 KAR Chapter 5, include: mining of limestone and dolomite; mining of sand and gravel, surface disturbance of dredging of river or creek sand and gravel: mining of clay: mining of fluorspar and other vein minerals. Mineral operations include the surface disturbance of underground mining as well as strip mining.”

The non-coal mineral operations regulations found in 405 KAR Chapter 5 do not include any exemptions for creek gravel removal. Anyone that desires to remove creek gravel from creeks shall obtain a permit from the Department prior to any disturbance of such activity. Some guidelines for obtaining a non-coal permit are listed in this brochure. The only activities concerning creek gravel removal that may not require a permit are maintenance of road culverts or bridges. Even then, the material cannot be removed and used for industrial or commercial purposes. These activities should be brought to the attention of the Department for Natural Resources. DNR will review each instance on a case by case basis to determine if a permit is required.

Examples of stream degradation from Creek Gravel removal



The above photo shows how creek gravel removal damages the creek by creating a dam which can cause potential flooding of private property.



The above photo shows degradation of the stream due to the creation of a dam which can cause flooding and the trapping of contaminants such as diesel, oil, and grease from equipment.

In order to obtain a non-coal mineral operations surface mining permit, you should:

- Be able to prove right of entry to the proposed mining site
- Obtain the services of a Professional Engineer registered in Kentucky to complete mine maps, design etc.
- Contact the Non-Coal Branch to obtain a permit number for the mineral operation
- Advertise the mineral operation in the largest bona fide circulated newspaper in the county
- Submit a completed application form NCR-2 along with all attachments required such as maps, designs, etc. (one original and three copies)

- ❖ Additional information may be required depending on the location of the proposed permit area
- ❖ All permits from other agencies shall be obtained prior to issuance (DOW, Corps, Fish and Wildlife, etc.)
- ❖ A time schedule for issuance cannot be predicted, however, as a general rule applications with no problems usually have a decision within 2-3 months. Citizen involvement such as requested permit conference will prolong the application review process. Also, permits from other agencies can delay the process.

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Division of Mine Reclamation and
Enforcement

(502) 564-2340

CONTACTS:

Billy Ratliff, Director (ext. 501)

James McKenzie, Assistant Director
(ext. 501)

Mark Tarter, Non-Coal Review Branch
Manager (ext. 508)