



10-Minute Supervisor Trainings

Kentucky Soil and Water Conservation Commission

May 2016

PL 566 Watershed Issues

This committee encourages conservation districts to be active and knowledgeable concerning their watershed conservancy districts.

History

Since 1944, NRCS and local sponsors have built some 10,400 small watershed dams in the United States. Kentucky's watershed program includes about 200 dams in 32 watershed projects, which were constructed between the mid-1950's through 2009. These were primarily constructed under the authority of PL 566. These dams were constructed to provide benefits such as flood control, rural water supply, recreation, and wildlife habitat. Many of these structures are now reaching the end of their designed life, and unless rehabilitated or decommissioned, can pose significant threats to human health, and to the environment. The biggest threat in KY dam hazard is reclassification due to development downstream of low hazard dams.

The committee recommends conservation districts carry out the following actions:

- Support new technical, financial and informational resources to:
 - Protect the integrity, safety, and functioning of these structures.
 - Upgrade some of the structures to meet dam safety requirements due to unanticipated development below or near the dams, which increases the potential for loss of life and economic damage.
 - Correct the deterioration of structures in karst settings from latent site conditions such as subsurface leakage causing suspected erosion of embankment and abutment materials.
 - Replace damaged and deteriorating components.
 - Remove, or otherwise deal with, the sediment and debris that have accumulated in reservoirs to the point that the dams cannot function properly.
- Meet natural resource needs not previously addressed such as rural water supply, water quality, rural fire protection, wetlands restoration, and wildlife habitat and community pride.
- Advise downstream landowners and potential developers of dam hazard reclassification in breach zone or upgrade dams to meet new hazard requirements.



- Districts with Notice of Violation from DOW should seek financial and technical assistance from State Legislatures and NRCS under the dam rehabilitation funding authorization provided by Congress.
- Seek funding from State Legislatures to help sponsors develop breach maps to control downstream development and avoid hazard reclassification.
- Pursue legislative action that requires the Energy and Environment Cabinet to prevent the office of Floodplain Management from issuing a floodplain management permit downstream of any permitted dam without evaluating breach zone hazard and landowner mitigation requirements.
- Seek funding from the State Legislatures to match federal funds in order to acquire light detection and ranging (LiDAR) aerial photography to assist with the rapid development of more accurate breach mapping for watershed dams throughout KY.
- Districts should work closely with legislators to develop an ordinance for Downstream Development Control that is consistent across the state.
- Conservation Districts **shall** review and evaluate watershed conservancy district activities in their county at least annually, including watershed structure maintenance plans and hazard class evaluations.
- Conservation districts should promote the wise use of planning and zoning in watersheds where dams or reservoirs are located, or may be located in the future, to ensure that the design classification of these structures is protected and that future development downstream is restricted to protect these structures, individual lives and property.
- Make an effort each year to educate the county fiscal court about the importance and the status of the PL566 structures in their county.
- Those conservation districts with high hazard dams are encouraged to develop and annually update emergency action plans.
- To try annually to make sure that the gates/valves work properly and are operable and able to drain the water out if necessary on an annual basis.
- Continue to support NRCS in efforts to reduce the impact of flooding through the Emergency Watershed Protection Program, Small Watershed Protection Program and Flood Prevention Program (PL566).
- To educate landowners and local officials about permanent easement programs such as PACE (Purchase of Agricultural Conservation Easements), Kentucky Heritage Land Conservation Fund, and NRCS Wetland Reserve Program when there is an absence of adequate flood plan protection or local zoning in order to prevent development below watershed dams.



- To educate local officials, realtors, health departments, and other agencies about development in flood prone areas (i.e... Looking on the Floodplain maps for high risk areas).
- To keep informed and become involved in the community water supply planning required by the KY General Assembly.
- To make an effort each year to educate the county fiscal court and landowners about the importance and the status of the PL566 structures in their county
- Districts should work with the DOC to seek legal opinions from the Cabinet attorneys concerning the roles and responsibilities of Conservation and Conservancy Districts in regard to what is stated in the O & M agreements as described for each PL566 structure when necessary.