

151.614 Authority powers and duties -- Reports.

- (1) Stream Restoration and Mitigation Authorities established under KRS 151.610 to 151.615 shall work in close partnership with local, state, and federal agencies in actively advocating for the restoration, protection, and enhancement of the watershed through stream restoration and mitigation projects. To this end, an authority may:
 - (a) Recommend proposed stream restoration and mitigation projects to the 404 Mitigation Review Team for its consideration; and
 - (b) Undertake the management of stream restoration and mitigation projects and may, in accordance with policies and regulations of the USACE, seek approval to be designated by the USACE as a qualified mitigation organization.
- (2) Stream Restoration and Mitigation Authorities may:
 - (a) Establish a technical advisory committee, soliciting participation from representatives of area utilities and water, sewer, and sanitation districts, federal, state, and local governments, and agencies thereof, consultants, colleges, and universities to assist the authority in the prioritization of proposed mitigation projects, the management of mitigation projects and in other efforts to improve watershed management;
 - (b) Review and comment on plans developed by federal, state, and local government agencies which relate to the watershed management and identify and recommend areas in which improved coordination of planning and project design could, on a case-by-case and a systemic basis, result in greater efficiencies and better outcomes for watershed management and water resource protection;
 - (c) Initiate, sponsor, and participate in educational programs to increase public awareness and stakeholder involvement in water resources protection and watershed management;
 - (d) Prepare a six (6) year work plan, with annual review, for improvement of the water resources of the watershed, including the:
 1. Identification and prioritization of site-specific stream restoration projects;
 2. Development of recommendations for coordination of infrastructure improvements and water resource enhancement;
 3. Solicitation of public participation in development of the work plan and of other strategies for water resource improvement and watershed management; and
 4. Description of accomplishment during the previous year and the status of projects undertaken by the authority of other entities within the watershed;
 - (e) Review project proposals for mitigation or restoration within the watershed to ensure that the appropriate benchmarks and monitoring of preproject and

postproject hydrologic and biologic conditions are included in the mitigation and restoration projects in order to measure success in achievement of the project goals;

- (f) Conduct pilot or demonstration projects for stream restoration and mitigation; and
 - (g) Contract for technical assistance in undertaking any of the responsibilities authorized under KRS 151.610 to 151.615.
- (3) Stream Restoration and Mitigation Authorities shall report to the Legislative Research Commission by October 31 of each year on any stream restoration and mitigation work performed by the authority in the watershed, including the amount of mitigation funds received from USACE or from a permittee under a Section 404 permit approved by the USACE, and any funding received from all sources and a listing of upcoming restoration and mitigation projects authorized by the USACE or the Department for Environmental Protection.
 - (4) When performing any stream restoration or mitigation activity, the authority shall comply with all permitting procedures set out in federal and state statutes and associated regulations of the USACE and the Kentucky Energy and Environment Cabinet, and other local, state, and federal agencies, as appropriate.
 - (5) The work plan provided for in paragraph (d) of subsection (2) of this section shall not be construed as amending or affecting plans developed under local, state, or federal law, including plans developed under Section 208 of the Federal Water Pollution Act, 33 U.S.C. sec 1288.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 179, effective July 15, 2010. -- Created 2008 Ky. Acts ch. 97, sec. 5, effective July 15, 2008.