

### **151.610 Definitions for KRS 151.610 to 151.615.**

As used in KRS 151.610 to 151.615, the following definitions shall apply:

- (1) "Compensatory mitigation" means replacement of aquatic resource functions and values adversely impacted by an activity permitted under a Section 404 permit;
- (2) "HUC 10 watershed" means a hydrologic unit code (HUC) watershed delineated according to the method of subdivision for the organization of hydrologic data established by the United States Geological Survey (USGS). As used in KRS 151.610 to 151.615, "watershed" means a HUC 10 watershed;
- (3) "Mitigation organization" means an organization that is approved by the USACE as a mitigation bank or to manage or perform third-party compensatory mitigation under the Section 404 permit program; and is approved for such purposes under the Section 401 certification program;
- (4) "Mitigation Review Team" means the interagency committee established pursuant to agreement with the USACE pursuant to Section 404 of the Clean Water Act to approve proposed projects for design and construction with in-lieu moneys; and perform annual reviews of ongoing and completed projects;
- (5) "Restoration" means restoring an altered, unstable, or converted wetland or stream to a stable condition that improves its geomorphic, biological, and chemical integrity, reduces sedimentation, provides and enhances habitat, improves health of the aquatic community, and restores wetland or stream functions and values;
- (6) "Riparian" means the zone of living and nonliving systems that influence or are influenced by a corridor of a river, stream, or waterbody;
- (7) "Section 404 permit" means a permit issued by USACE under 33 U.S.C. sec. 1344 et seq. and "Section 401 certification" means a water quality certification issued under 33 U.S.C. sec. 1341;
- (8) "Stream restoration and mitigation" means restoration of wetlands, streams, or other waterbodies, and mitigation of adverse effects on waterbodies, in a manner consistent with Sections 404 and 401 of the Clean Water Act;
- (9) "USACE" means the United States Army Corps of Engineers;
- (10) "2020 water management planning council" means the council established under KRS 151.601; and
- (11) "404 In-lieu Fee Program" means a USACE-approved method for permittee satisfaction of compensatory mitigation requirements under a Section 404 permit. This method allows a permittee to provide funds to a qualified sponsor rather than undertaking a specific mitigation project or purchasing credits from an approved mitigation bank.

**Effective:** July 15, 2008

**History:** Created 2008 Ky. Acts ch. 97, sec. 1, effective July 15, 2008.