



STREAM CONSTRUCTION APPLICATION INSTRUCTIONS

Basic Line-by-line instructions for filling out the Kentucky Division of Water application for a floodplain construction permit, dam construction or maintenance permit, or a water quality certification.

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Background

As required by [Kentucky Revised Statute 151.250](#), stream construction permits are required for any development occurring in, along, or across a stream. Typical projects include, but are not limited to, dam construction or maintenance, stream crossing projects (excluding KYTC), residential or commercial development, fill, stream bank stabilization, channel realignment, or impoundments.

This permit application package is designed to assist you in completing the application for a floodplain construction permit, a dam construction or maintenance permit, and/or a water quality certification. These instructions do not cover all conceivable circumstances. This guidance addresses items on the application that sometimes need additional explanation. These tips are intended to reduce delay in the processing and review of applications. In addition to the permit application, supplemental information for dam construction and maintenance permits is required. Please complete the 'Dam Construction Data Sheet' and submit it as an attachment to this application.

For additional help, contact the Division of Water by emailing water@ky.gov or by calling (502) 564-3410.

NOTE:

The following items indicated in **RED** are required for all applications regardless of what development is proposed or which permit/certification is being requested:

- Item 1.** Owner Contact Information
- Item 4.** Description
- Item 5.** County
- Item 6.** Latitude & Longitude
- Item 7.** Stream Name
- Item 8.** Linear Feet of Stream and/or Acres of Wetland Impacted
- Item 14.** Public Notice Information
- Item 17.** Easement Rights
- Signature** of the Owner or Authorized Agent

Regulations

Floodplain Construction_____ [401 KAR 4:060](#)

Dam Construction and Maintenance_____ [401 KAR 4:030](#)

Water Quality_____ [401 KAR Chapter 9](#) and [401 KAR Chapter 10](#)

Click [HERE](#) for copies of the General Water Quality Certifications. US Army Corps of Engineers Nationwide Permits are available [HERE](#).

To view all Energy and Environment Cabinet regulations, visit the Legislative Research Commission's website at <http://www.lrc.ky.gov/kar/TITLE401.HTM>.

Application Line-By-Line Instructions

- Item 1.** The ‘Owner’ is the responsible entity making application for the permit. By making an application, the ‘owner’ verifies that the owner has all necessary legal rights to complete the project on the designated site, which is further confirmed by Item 17 and the signatory line. The owner may be an individual, couple, partnership, corporation, community organization, non-profit, or any other legal entity with appropriate legal rights. If the owner is a corporation or partnership, please include the name of a contact person. Provide a contact phone number and an email address where someone can be reached during business hours to help facilitate the permit review process.
- Item 2.** Anyone submitting an application on behalf of the Owner listed in Item 1 must complete Item 2. This can include, but is not limited to, consultants, contractors, engineers, or those with power of attorney. If the owner is submitting the application, then Item 2 is not applicable.
- Item 3.** Complete Item 3 if the services of a surveyor or engineer were used to support this application. If the project requires a hydraulic analysis, the services of an engineer are required. If no surveyor or engineer were used, Item 3 is not applicable.
- Item 4.** Include a thorough description of the proposed development project. While the Division of Water may not require detailed plans, the applicant should provide all pertinent information that will enable the reviewer to determine a project’s influences on a stream, floodplain, and adjacent properties. This includes, but is not limited to, information pertaining to the size, depth, length of the project, types of materials proposed for use, and any material being brought onto or away from the site.
- Item 5.** Indicate the County in which the proposed development is located. If the development will occur across county boundaries, list the additional Counties in Item 18. Include the name of the city in which the project is located. If the proposal is outside the city boundaries, list the community name of the nearest postal address.
- Item 6.** List the USGS quadrant name when applicable. Provide a Latitude and Longitude (Lat/Long) for the proposed site. Lat/Long can be obtained from sites online such as Google Maps or Google Earth. Lat/Long must be provided in either Decimal Degrees or in Degrees Minutes Seconds formats. See the examples below of the acceptable formats. Contact your local floodplain administrator for help finding this information.

Decimal Degrees	38.184803, -84.848833
Degrees Minutes Seconds	38°11'05.3"N, 84°50'55.8"W

If a coordinate system other than NAVD 88 is used, indicate which coordinate system is used.

- Item 7.** Provide the stream name whose floodplain contains at least a portion of the project. If the stream or river is not named, the applicant should enter ‘Unnamed’ in the space provided to indicate that the stream is an unnamed tributary. Enter the watershed area in acres when applicable. You may leave the watershed area blank if you cannot calculate the watershed area. The Division of Water may consider whether the watershed area is less than 640 acres (1 square mile) when evaluating the project for a floodplain construction permit letter of exemption.
- Item 8.** For any projects where a portion of the activity will occur within a stream or wetland, list the acres of wetland and/ or linear feet of stream where the activity will take place. For activities that affect

the stream bank, list the linear feet of proposed activity that will occur below the ordinary high water mark (generally areas below the top of the stream bank). The length of disturbance of the stream or acreage of wetland is of critical importance in issuing a certification of a U.S. Army Corps of Engineers Section 404 permit. The applicant should enter “not applicable” or “zero” if no portion of the activity will occur within a stream or wetland.

Item 9. Give physical directions to the site by identifying crossroads, intersections, streams and any other geographical feature. Include the street address of the project. Provide maps to assist in locating the project site from sources such as the Kentucky Flood Risk Portal, FEMA’s Map Service Center, Google Maps, or others. These maps should include one map that is a close up of the project area with the project details marked on it and one map zoomed out to show the project in relation to crossroads and landmarks. Copies of USGS maps are available from the Kentucky Geological Survey at (859) 257-3896 or by emailing KGS-PUB@lsv.uky.edu.

Item 10. If construction of any portion of the project (within the floodplain) has begun, mark ‘YES’. If no portion of the project within the floodplain has begun, mark ‘NO’. If construction has been started, indicate the date development began in the ‘DATE’ box provided.

Item 11 & 12. Provide estimated Begin Construction and End Construction Dates for the proposed development. Applicants have one year from the date of issuance of a permit to complete development. Developments that are not completed in this timeframe may request an extension of the permit, provided there are no changes to the project and no change in the base flood elevation.

Item 13. For projects applying for a Water Quality Certification, indicate if there has been a permit issued from the U.S. Army Corps of Engineers. If a permit from the Corps has been issued, submit a copy with the application.

Item 14. Indicate how this application was noticed to the public as required by 401 KAR 4:060 by submitting one of the following:

- (a) Copies of the newspaper pages with the notice (tear sheets), or an affidavit from the newspaper publisher; or
Original copies of Affidavits from all parties who reside, own property, or have other legitimate property interests in the affected areas.
- (b) For waiver requests, complete a written request clearly indicating how the application qualifies for a public notice waiver.

For additional information on public notice requirements and notice waiver requests, see the ‘Public Notice Instructions’ and ‘Public Notice Waiver Request’ sections below.

Note: For projects applying for a Water Quality Certification ONLY, Water Quality Certification applications are noticed online by the Division of Water [HERE](#). Additional public notice by the applicant is not required in these instances.

Item 15. List all community officials the applicant has contacted prior to submitting this application. This should include, at a minimum, the local floodplain administrator. The local floodplain administrator can provide significant help completing this application, as well information on local development requirements. Additional officials include, but are not limited to, the community CEO, Planning and Zoning officials, community engineers, or County Emergency Managers.

Item 16. List all attachments that have been submitted with your permit application. Attachments typically include location maps, a floodplain map or a FIRMette, plans, profiles, design drawings, cross-sections, elevation, floodproofing, or ‘No-Rise’ certifications, public notice documentation, or the dam construction permit application data sheet. Site location, scale, and a north arrow should be clearly visible on all submitted maps and drawings when applicable.

Item 17. The owner identified in Item 1 (or the agent in Item 2) must acknowledge they have the property rights and the legal standing and responsibility to carry out this project. Please note that for dams or impoundments, this property includes any area inundated by the design flood for the impoundment. Failure to complete Item 17 will result in a denied application.

Item 18. Provide any additional pertinent information that the Division should be aware of to assist the permit review process.

Signature: Applicant, or authorized agent with power of attorney, should sign the application in ink. By signing the application, the applicant is indicating that all information provided as part of the stream construction permit application, to the best of their knowledge, is true and correct. Applications without a signature are incomplete and will be returned to the application prior to being processed. To sign the application, anyone other than the owner must have power of attorney or other legal designation.

The applicant should have the local floodplain administrator sign the application to indicate they are aware of the proposed development. Click [HERE](#) to find your local floodplain coordinator.

Supporting Documentation and Attachments

Other documentation supporting the permit application should be attached to the application as necessary. This supporting documentation may include, but is not limited to:

- A copy of the effective FIRMette
- Location maps
- Proof of public notice
- Engineered designs and drawings
- Cross sections
- Elevation certificates
- Floodproofing certificates
- No-Rise certifications
- Dam construction permit application data sheet
- Photographs

See the ‘Technical Instructions’ section below for project specific supporting documentation requirements.

Submitting Your Application

Application packages should include your completed permit application, public notice information, and all supporting documentation. Submit your application to the Division via one of the following approved methods:

Kentucky Division of Water
Floodplain Management Section
300 Sower Boulevard
Frankfort, KY 40601

Email digital copies to:
DOWFloodplain@ky.gov

Larger applications should be submitted via regular mail due to email file size limitations. Applications missing any of the required items will be considered incomplete and will be returned to the applicant without being processed.

Public Notice Instructions

As required by 401 KAR 4:060, Section 3, the applicant must provide notice to all parties who might be affected by the construction for which a permit has been requested. Public notice may be provided by either of the following methods:

- 1) Publishing a notice in the newspaper or newspapers having greatest circulation in the area of the proposed construction. The notice shall provide at least the following:
 - a. The name and address of the applicant;
 - b. The location, nature, and extent of the proposed development; and
 - c. A statement indicating that any comments and objections are to be directed to the Division of Water.

The notice shall run for a period of three (3) consecutive days or printings of the newspaper. If, however, the newspaper is published weekly or bi-weekly, two (2) consecutive printings may be allowed upon request of the applicant. The public notice shall be at least three column inches in size, but must in all cases be large enough that all of the information required is readable. The notice shall prominently display address and telephone number of the Division of Water's Floodplain Management Section.

- 2) Submitting affidavits from all parties who reside, own property, or have other legitimate property interests in the affected areas. All affidavits shall be submitted to the Division of Water, Floodplain Management Section for review. The affidavit must contain the following:
 - a. A complete description of the proposed construction;
 - b. A place for concerned parties to sign indicating that they have read the statement and that they understand that a permit application is being submitted or has been submitted to the Division; and

- c. The Division's address and telephone number with explanation that comments and objection are to be directed to this agency.

Proof that the notice was published (copies of the newspaper pages with the notice [tear sheets], or an affidavit from the newspaper publisher), or the original affidavit for all parties with legitimate property interests in the affected area, shall be provided by the applicant as part of their stream construction permit application. No permit shall be issued without the proper public notice information.

Full public notice requirements are listed in 401 KAR 4:060, Section 3(4). Find them online at <http://www.lrc.ky.gov/kar/401/004/060.pdf>.

Note: For projects applying for a Water Quality Certification ONLY, those applications are noticed online by the Division of Water [HERE](#). Additional public notice by the applicant is not required in these instances.

Public Notice Waiver Requests

The Division may waive the public notification requirement in the following circumstances:

- a. Repair/maintenance/internal retrofit within existing structure footprint. This does NOT apply to Substantial Damage or Substantial Improvements;
- b. Emergency work per DOW policy memo 84-01;
- c. Watersheds <1 sq. mile with exception of structures;
- d. Subfluvial utilities that involve subsurface and/or directional drilling;
- e. Repaving individual residential driveways, curbs, or sidewalks that does not increase ground surface elevations; or
- f. Extensions of previously public noticed permit.

The Division retains the right to require public notice with any application it deems necessary. Complete a copy of the Public Notice Waiver Request and submit it as an attachment with the stream construction application package.

Technical Instructions

The applicant is responsible for proper design, engineering and construction of the proposed project. The Cabinet's approval of the plans does not relieve the applicant from any liability related to construction, operation, or maintenance of the project.

Each application shall be made on the standard form available from, and in the manner specified by, the Cabinet's Division of Water at the above address or the Division's Web Site. [NOTE: The application shall not be considered complete until all information required by the Division has been properly submitted.] The application shall be made in the name of the owner, but may be submitted by an authorized agent of the owner. If submitted by the agent, a Power of Attorney or other authorization by the owner should be included with the application.

The owner must own or have easement or other rights to all property on which the project is to be located, including all areas that are to be entered onto or disturbed by the construction process (for dams, this applies also to the area that would be inundated during an occurrence of the appropriate design flood). [KRS 151.260](#) requires that all plans and specifications submitted with the application be prepared by a professional engineer licensed to practice in Kentucky unless this requirement is waived by the Division. In order to facilitate handling and storage, the information accompanying the application should be on standard size sheets between 8 x 10 inches and 17 x 22 inches (24 x 36 inches for dams).

The following listing identifies the types of information generally required for the Division's analysis. In some cases additional information as specified by the Division may be required.

General:

All plans submitted must prominently display at least the following information regarding the proposed project:

- a. Name of the project;
- b. Date;
- c. Scale;
- d. A north arrow where applicable;
- e. Name of stream;
- f. Direction of flow;
- g. Purpose and intended use;
- h. Scheduling of activities; and
- i. Location.

Photographs of the proposed construction site looking both upstream and downstream at each cross-section and other points of interest are generally useful and may be required by the Cabinet. All elevations shall be given with respect to mean sea level.

Cross-Section Requirements:

- All cross-sections shall be obtained by either a field survey or LiDAR. All sections shall be taken perpendicular to stream flow presented with left and right appearing as they would for an observer looking downstream.

- The horizontal scale shall be such that one inch (1”) represents no more than two hundred feet (200’). The vertical scale shall be such that one inch (1”) represents no more than twenty feet (20’). This requirement may be waived by the Division upon the request of the applicant, if another scale is determined more appropriate.
- The cross-sections shall be designated by horizontal stationing with station 0 + 00 designating the most downstream section, 1 + 00 indicating a section one hundred (100) feet upstream, 2+50 indicating a section 250 feet upstream, and so on (see sketch representing typical plan view).

Examples of a ‘Typical Floodplain Cross-Section’ and of a ‘Low Water Crossing’ were downloaded with this permit package in the ‘Standard Drawings’ folder.

Bridges or Fills:

- A map indicating general location of the project;
- A detailed map showing the location of the proposed project and the stream far enough upstream and downstream to determine the approach and discharge flow conditions above and below the site.
- The drainage area and the method of determining the design flow;
- The finished floor elevations of all houses located within 1000 feet of the project;
- Field-surveyed cross-sections (referenced to MSL) of the stream at the site of the project showing conditions both before and after construction and extended to at least the elevation of the extreme flood of record plus three (3) feet, preferably at intervals of not more than one hundred (100) feet;
- Additional cross-sections every one hundred (100) feet for at least three hundred (300) feet upstream and at least two hundred (200) feet downstream—the final required number and spacing of cross-sections shall be based on whatever is necessary to determine the effects of the proposed construction on the flow and flooding of the stream, but in general no fewer than seven sections shall be provided.
- Cross-sections shall be presented with left and right appearing as they would for an observer looking downstream. See cross-section detail requirements above.

Dams:

Proposed impoundments must complete the Dam Construction Permit Application Data Sheet.

- A map showing the project location;
- The hazard classification determined by the design engineer to be appropriate (justification for the classification may be required by Division of Water);
- Plans and specifications of sufficient detail to show spillways and other hydraulic and structural features to afford a basis for judgment as to the safety of the structure.

In the case of class “B” or class “C” dams (as defined by Division of Water regulations), the Division will require complete design plans in accordance with the minimum design criteria set forth in [401 KAR 4:030](#).

NOTE: The owner must own or have adequate easement rights for the property on which the dam is to be constructed and on the entire reservoir area (up to the level of the appropriate design flood).

Channel Relocations:

- A map showing the project location;
- The finished floor elevations of all houses located within 1000 feet of the project;
- Surveyed cross-sections referenced to mean sea level, of both proposed and existing channel with left and right appearing as they would for an observer looking downstream;
- The cross-sections should extend to at least the height of the extreme flood of record plus three (3) feet with sections taken at the upstream and downstream ends of the relocation, and sufficient sections taken in between to adequately portray changes in stream gradient and geometry, preferably at intervals of not more than one hundred (100) feet; no fewer than five (5) cross-sections should be submitted;
- At least one cross-section should be submitted for the channel one hundred (100) feet downstream of the proposed relocation and at least three (3) cross-sections should be submitted for the channel upstream of the proposed relocation. See typical cross-section requirements above.

Pipeline Stream Crossings (for crossings that are not covered under 401 KAR 4:050):

- A map showing the project location;
- A profile along the pipe;
- The diameter of pipe;
- The material and the weight of pipe in pounds per linear foot, and the weight and type of anchorage; and
- All data requested under Bridges or Fills presented above.

Aerial Crossings:

- A map showing the project location;
- A profile along the crossing showing supports, water surface elevation, and distance above water at closest point.

Functionally Dependent Uses (i.e. Docks, Piers, Wharves, Water Intakes, etc.):

- A map showing the project location;
- The elevation of docks, top of structure, extreme high water, and normal pool; and
- The distance that the structure will project into stream or waterway.

Have additional questions about these Technical Instructions? Contact the Division of Water at water@ky.gov or by calling (502) 564-3410.