COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, a 401 Water Quality Certification (WQC) from the Division of Water will be required.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, A Notice of Intent for Storm Water Discharges will also be required. Forms can be obtained at http://water.ky.gov/permitting/pages/generalpermits.aspx

1. **OWNER:** _____
   Give name of person(s), company, governmental unit, or other owner of proposed project.

   MAILING ADDRESS: _____

   _____

   TELEPHONE #: _____ **EMAIL:** _____

2. **AGENT:** _____
   Give name of person(s) submitting application, if other than owner.

   ADDRESS: _____

   _____

   TELEPHONE #: _____ **EMAIL:** _____

3. **ENGINEER:** _____ **P.E. NUMBER:** _____
   Contact Division of Water if waiver can be granted.

   TELEPHONE #: _____ **EMAIL:** _____

4. **DESCRIPTION OF CONSTRUCTION:** _____
   List the items to be constructed in the floodplain

   _____

   _____

   _____

   _____

   _____

5. **COUNTY:** _____ **NEAREST COMMUNITY:** _____

6. **USGS QUAD NAME** _____ **LATITUDE/LONGITUDE:** _____

7. **STREAM NAME:** _____ **WATERSHED SIZE (in acres):** _____

8. **LINEAR FEET OF STREAM IMPACTED:** _____

9. **DIRECTIONS TO SITE:** _____

   _____

   _____

   _____

   _____

   _____

10. **IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE?** ☐ Yes ☐ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____

11. **ESTIMATED BEGIN CONSTRUCTION DATE:** _____

12. **ESTIMATED END CONSTRUCTION DATE:** _____

13. **HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS?** ☐ Yes ☐ No If yes, attach a copy of that permit.

14. **THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:**

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

____ **Public notice in newspaper having greatest circulation in area** (provide newspaper clipping or affidavit)

____ **Adjacent property owner(s) affidavits** (Contact Division of Water for requirements.)

(b) ____ **I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:**

_____

Contact Division of Water for requirements.

15. **I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:**

_____

Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

_____

16. **LIST OF ATTACHMENTS:** _____

List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

_____

_____

_____

_____

17. **I,** _____ (owners Initials) **CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR** (for dams, this includes the area that would be impounded during the design flood).

18. **REMARKS:** _____

_____

_____

_____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: _____

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

_____

Permit application <u>will</u> be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: _____

SUBMIT APPLICATION AND ATTACHMENTS TO:

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

BASIC LINE-BY-LINE INSTRUCTIONS FOR FILLING OUT THE KENTUCKY DIVISION OF WATER APPLICATION FOR A PERMIT TO CONSTUCT ACROSS OR ALONG A STREAM AND/OR WATER QUALITY CERTIFICATION (Form 7116 revised 09-2009)

Background Information:

This is a guidance document developed to assist you in completing the application. These instructions do not cover all conceivable circumstances. This guidance addresses items on the application that sometimes need additional explanation. These tips help minimize requests to the Division of Water for additional information, and the tips are intended to reduce delay in the review of applications. The application itself is available online at http://water.ky.gov/floodplain/Pages/FloodplainConstructionForms.aspx

Form 7116 is a dual-purpose application. It serves as an application for a floodplain construction permit and serves as a request for a Kentucky Water Quality Certification of a US Army Corps of Engineers Section 404 permit. If the construction is in the stream below the Corps of Engineers ordinary high water mark, at least three separate items are required: 1) coverage or exemption by the Corps, 2) Kentucky Water Quality Certification, and 3) floodplain construction permit from the Kentucky Division of Water. This application does not serve as an application for a Corps permit. Form 7116 is required for any construction within the floodplain, regardless of whether it is above or below the Corps of Engineer's ordinary high water mark.

NOTE: Please type or complete the application in ink. Applications completed in pencil are not acceptable.

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 11 and the signatory line. The owner may be an individual, couple, partnership, corporation, 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. If possible, also provide a contact phone number and an email address where someone can be reached during business hours. This information can facilitate the permit review process. The owner or the owner's agent must sign the application. To sign the application, anyone other than the owner must have power of attorney or other legal designation.

Item 2. This is only applicable if you have authorized someone else to act on your behalf to obtain the permit.

Item 3. This is applicable if you have chosen to retain an engineer. If the project requires a hydraulic analysis, the services of an engineer are required. If you do retain an engineer or surveyor, the Division of Water will need to be able to contact them.

Item 4. Usually a general description is sufficient. In many cases, the Division of Water does not require detailed plans, but does need to know the size, depth, length, etc. of the project. The Division of Water needs any pertinent information that will enable the application reviewer to determine a project's influences on a stream or a floodplain.

Item 5. The "county" is the county in which the construction project is located. Enter the name of the city in which the project is located, or if outside a city, enter the community name of the nearest postal address.

Item 6. List the USGS quadrant name and the latitude/longitude. Your local floodplain coordinator should be able to help you find this information. Lat/long information is also available via internet sites. If other than NAD 83, indicate the coordinate system used. Please indicate the latitude/longitude in degrees/minutes/seconds or decimal degrees. This must match the location marked on your submitted map. You may omit the quadrant.

Item 7. Name the stream whose floodplain contains at least a portion of the project. Enter "UT" or "Unnamed" to indicate that the stream is an unnamed tributary. Enter the watershed area in acres if you know this information. You may leave the watershed area blank if you cannot calculate the watershed area. The Division of Water considers 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. Item 8 relates to projects where a portion of the activity will take place in the stream below the ordinary high water mark. List (in linear feet) the length of the stream along which the construction will take place. The length of disturbance in or along the stream is of critical importance in issuing a certification of a Corps of Engineers Section 404 permit.

Item 9. This is very important in the processing of your application. Give directions to the site by identifying crossroads, intersections, streams and any other geographical feature. **Include the street address of the project. Include maps with the project.** If you cannot find a USGS topographic map locally or via the internet, USGS maps are available from:

Kentucky Geological Survey
University of Kentucky
Mines and Minerals Building, Room 101
504 Rose Street
Lexington, Kentucky 40506
Phone: 859-257-3896
Email: KGS-PUB@lsv.uky.edu

You may also use Google maps. 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.

Item 10. Mark "Yes" if construction of any portion of the project (within the floodplain) has already commenced. Mark "No," if no portion of the project within the floodplain has been started. If construction has started, describe the completed portion on your submitted drawings.

Item 11 & 12. Give your best estimates. You have one year from the issuance of a permit to complete construction. If you do not complete construction within the year, generally, the permit can be renewed if there are no changes to the project and if there has been no change in the base flood elevation. Please note that a final construction report is required when the project is complete.

Item 13. If there has been a permit issued from the U.S. Army Corps of Engineers, submit a copy along with the application.

Item 14. You must address public notice requirement with 14 (a) or 14(b).

a. If public notice is required, all of the newspaper pages with the notice (tear sheets) or an affidavit from the newspaper publisher is required before the permit can be issued. Alternately, you may submit an affidavit from the newspaper publisher that proves the published dates of the notice. Please see the Division of Water's separate technical guidance, including the example for public notice, or contact the Division of Water directly for additional guidance.
b. For a public notice waiver, you must prove that the impact will be negligible.

Item 15. As a minimum, you must contact your local floodplain administrator. The local floodplain administrator can provide significant help with this application as well as many local permit applications.

Item 16. List any attachments that you have sent along with your application. This assists the Division of Water in keeping track of all attachments. A location map must be one of these attachments. You must mark the construction location on the map.

Item 17. It is very important that item 17 has been clearly initialed by the property owner. If this is not complete, the application may be returned to you. It will certainly delay the permitting process. The owner identified in item 1 (or the agent in item 2) must acknowledge in item 17 that the owner has 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.

Item 18. Any additional information that may contribute to the permit process.

Signature: Please notice that there are two signature lines. **Both** the owner (or agent/engineer with power of attorney) **and** the local floodplain administrator must sign the application and date it in ink. If either signature is missing, the division may return your application. If either is missing, there will be delay in processing your application. Please print your name below the signature if your signature is not readily legible.

The Kentucky Division of Water must have the **original** application before a permit can be issued. Because of legibility concerns, the division does not accept facsimile copies of the application.

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

Phone Contact: Floodplain Management Section at 502-564-3410

Commonwealth of Kentucky
ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

INSTRUCTIONS TO APPLICANTS FOR APPROVAL OF CONSTRUCTION IN A FLOODPLAIN

Chapter 151 of the Kentucky Revised Statutes and related regulations require approval by the Natural Resources and Environmental Protection Cabinet prior to the construction or reconstruction of any dam, embankment, levee, dike, bridge, fill or other obstruction in the floodplain of any stream in the Commonwealth. In order to comply with this statute, anyone who proposes such an activity ***must submit to this Cabinet an application and one (1) set of such plans, drawings, and specifications as are necessary*** for a determination of the proposed project's compliance with state laws and regulations and of the effects of the project on the floodway and the flooding of the stream. The application and other information shall be sent to:

Floodplain Management Section
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601
Telephone: (502) 564-3410

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.

1. **General:** All plans submitted must prominently display at least the following information regarding the proposed project: Name of the project, date, scale, name of stream, direction of flow, purpose and intended use, scheduling of activities, and 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. All elevations shall be given with respect to mean sea level. Also, a north arrow shall be provided where applicable. A public notice will be required unless waived by the Division, see Section #9 on the following page.

2. **Bridges or Fills:** A properly completed Stream Construction Permit Application Data Sheet; a map showing the location of the proposed project and showing the stream far enough upstream and downstream to determine the approach and discharge flow conditions above and below the site; a section of USGS quadrangle map indicating general location of the project; 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 typical cross-section detail requirements below.

3. **Cross-Section Requirements (see typical drawing):**

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

   (2) 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.

   (3) 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).

4. **Dams:** A properly completed Dam Construction Permit Application Data Sheet; the project location (provide portion of USGS quadrangle map); 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 judgement 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. (Copies of this regulation are available from the Division and the Division's Web Site.) [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).]

5. **Channel Relocations:** A property completed Stream Construction Permit Application Data Sheet; a project location map (preferable USGS quadrangle map); ***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 in #3 above.

6. **Pipeline Stream Crossings (for crossings that are not covered under 401 KAR 4:050):** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); 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.

7. **Aerial Crossings:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); a profile along crossing showing supports, water surface elevation, and distance above water at closest point.

8. **Fixed Docks, Piers, Wharves, Water Intakes, etc.:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); the elevation of docks, top of structure, extreme high water, and normal pool; and the distance that the structure will project into stream.

9. **Public Notice Information:**

As part of the stream construction permit issuance procedures, 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 (a) the name of the applicant, (b) the location, the nature and the extent of the proposed construction, and (c) a statement indicating that any comments and objections are to be directed to the Division of Water. The notice shall prominently display address and telephone number of the Division of Water's Floodplain Management Section, which are given at the beginning of these instructions. The notice shall run for a period of three (3) consecutive days or printings of the newspaper. However, if the newspaper is published weekly or bi-weekly, two (2) consecutive printings may be allowed upon request of the applicant. Proof of public notice through the newspaper must be provided to the Division. 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.

(2) Submitting affidavits from all parties who reside, own property, or have other legitimate property interests in the affected areas. The affidavit must contain a complete description of the proposed construction; 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 the Division's address and telephone number with explanation that comments and objection are to be directed to this agency. All affidavits shall be submitted to the Division of Water, Water Resources Branch for review.

Under certain circumstances, where flooding impacts are negligible, the Division may waive the public notification requirement. If desired, the Division can provide more detailed information regarding the circumstances under which such a waiver might be issued.

EXAMPLE OF PUBLIC NOTICE

—— Public Notice ——

Notice is hereby given that (NAME AND ADDRESS), has filed an application with the Energy and Environment Cabinet to (BRIEF DESCRIPTION OF CONSTRUCTION). The property is located (ADDRESS, LOCATION DESCRIPTION, INCLUDE MILES FROM NEAREST TOWN OR MAJOR ROAD INTERSECTION AND NAME OF STREAM). Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Surface Water Permit Branch, Flood Plain Management Section 300 Sower Boulevard Frankfort, Kentucky 40601. Phone: (502) 564-3410.

FINAL CONSTRUCTION REPORT

NAME: _____

PERMIT NO: _____

AI NO: _____

Has all work on this project been completed according to the plans and specifications on file with the Division of Water?

Yes: _____

No: _____ **If no, explain. You may include attachments is necessary.**

_____

_____

_____

_____

_____

Mailing Instructions

- Fold the top edge of this page to the top edge of this box.
- Fold the bottom edge of the page up to meet the top fold and tape shut.
- Fill out return address portion
- Affix a stamp and mail.

Place
Stamp
Here

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

AFFIDAVIT OF UNDERSTANDING

I, _____,
(Printed Name)

of _____,
(Address)

An adjacent landowner to the Applicant below, herein confirm that I have been made aware that

_____
(Printed Name of Applicant)

of _____

_____
(Address of Applicant)

has made application to the Kentucky Division of Water, Water Resources Branch for a permit to

_____

_____
(Brief Description of Project)

at_____

_____
(Location of Project)

I am aware that any comments or objections concerning this application can be made by writing the Floodplain Management Section, of the Division of Water at:

Floodplain Management Section
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601
(502) 564-3410

_____
(Signature of Adjacent Property Owner) (Date)

_____
(Signature of Applicant) (Date)

Subscribed and sworn to before me this _____ day of _____ 20 _____.

_____
Notary Public
My commission expires: _____

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