



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
Fax (502) 564-0506

Brian Clark
Deputy Commissioner

Gabe Jenkins
Deputy Commissioner

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Legislative Research Commission
Director Jay Hartz
700 Capitol Ave Loop
Frankfort, KY 40601

RE: KRS 151.614 (3) Stream Restoration and Mitigation Report

Mr. Hartz,

My office recently spoke with staff of the Legislative Research Commission regarding a report established in KRS 151.614. Pursuant to KRS 150.255, the Kentucky Wetland and Stream Mitigation Fund was created in 2000 and the Department of Fish and Wildlife Resources was then delegated as authority to manage and implement the program. In 2008, KRS 151.611 was enacted which allowed for the creation of separate and multiple Stream Restoration Authorities for any HUC 10 watershed in the Commonwealth. The qualifications and criteria for appointment as one of these authorities is set forth in KRS 151.613. The Department of Fish and Wildlife's Stream and Wetland Mitigation program is a statewide program and is not included in the members to be appointed by the Governor in KRS 151.613 (2) as the purpose of these authorities appear to be limited and watershed site specific.

KRS 151.614 (3) requires an authority formed under KRS 151.611 to prepare and submit a report to the Legislative Research Commission by October 31st of each year. Although these mitigation authorities are statutorily different and distinct than the Department of Fish and Wildlife's Stream and Wetland Mitigation program, the mission and purpose appear to be very similar. Though a reporting requirement does not appear in KRS 150.255, for informational purposes, please find enclosed a copy of the 2022 annual report which the Department submits to the United States Army Corps of Engineers.

The Annual Report provides financial information about the projects being performed statewide in multiple Service Areas as well updating the status of said projects. The "Program Financial Status" section of the report, starting on page 9, covers all CY2022 receipts by Service Area and program funding activity. The report also details the "work done" but is spread out throughout the Service Area activity descriptions, which start on page 16 thru the end.

In short, while the KDFWR has authority vested in KRS 150.255 to operate a Wetland and Stream In-Lieu-Fee Mitigation Program and its agreement with USACE, the responsibility to provide the report as specified in KRS 151.614 is not applicable. Despite the Department of Fish and Wildlife not being listed as an authority itself, nor as an authority member in KRS 151.613, the KDFWR is happy to provide the program's annual report as detailed information about the ongoing work of its Stream and Wetland Mitigation Program. This report is being submitted to LRC in the interest of transparency following the recent statutory amendments affecting the Department's procurement authority and organizational structure and provides a detailed overview of the Department's program.

If there are additional questions or more information is needed about a specific Service Area or project, please feel free to contact the Program's Administrative Coordinator, Rob Lewis, at 502-545-4772 or by email at rob.lewis@ky.gov. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Rich Storm". The signature is written in a cursive, flowing style.

Rich Storm, Commissioner
Kentucky Department of Fish and Wildlife Resources

