

420 KAR 1:020. Administrative procedures of the authority.

RELATES TO: KRS 151.100-151.600, 151.700-151.730, 151.990, 223.400-223.460, 224.70, 224.73

STATUTORY AUTHORITY: KRS 151.710, 151.720, 151.725, 151.730

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151.700 through 151.730 authorize the Kentucky River Authority to manage the surface water and groundwater of the Kentucky River basin. The authority has the power and duty to develop and to implement programs relating to the locks and dams on the Kentucky River; to acquire, to sell and to lease property; to develop recreational areas; to issue revenue bonds; to assess fees for water use; to contract for services; to adopt administrative regulations protecting waters in the Kentucky River basin; to develop and to implement comprehensive plans for protecting the water of the Kentucky River basin; and to collaborate with the Natural Resources and Environmental Protection Cabinet and other state agencies in coordinating Kentucky River basin water resource and water quality activities. This administrative regulation establishes administrative procedures employed by the authority in implementing those powers and duties.

Section 1. Election of Vice-chairman. In addition to electing a chairman as provided by KRS 151.710(6), the authority shall elect one (1) of its members as vice-chairman. The vice-chairman may act for the authority in the absence or unavailability of the chairman.

Section 2. Meetings of the Authority. Meetings of the authority shall be conducted in accordance with the Kentucky Open Meetings Law, KRS 61.805 through 61.850.

Section 3. Inspection of Public Records.

(1) Public records of the authority shall be made available for public inspection in accordance with the Kentucky Open Records Act, KRS 61.870 through 61.884.

(2) The authority shall make available to a public library located in each county contained in whole or in part within the Kentucky River basin copies of the following documents:

- (a) The authority's quarterly and annual reports;
- (b) The authority's draft and final unified long-range water resource plans;
- (c) The authority's draft and final drought response plans;
- (d) The authority's letter approving a county long-range water resource plan;
- (e) A county's draft and final long-range water resource plans; and
- (f) The authority's administrative regulations.

Section 4. Mailing List. The authority shall maintain a list of members of the public, including members of the media, to whom copies of the public notices described by this administrative regulation may be provided. Any person may request to be placed upon or removed from the authority's mailing list. The authority may periodically revise its list to remove the names of persons who do not respond to the authority's request to update the mailing list.

Section 5. Public Participation.

(1) Scope and applicability. This section applies to the following activities:

- (a) The authority's development of a drought response plan;
- (b) The authority's development of a unified long-range water resource plan.

(2) Public notice.

(a) Before the authority prepares a draft drought response plan or a draft unified long-range water resource plan, it shall notify the public that it is seeking public participation in the preparation of those drafts. The authority shall notify the public by publishing a notice in the Lexington Herald-Leader and in a local newspaper serving each county located in whole or in part within the Kentucky River basin, and by

mailing the notice to the county judge-executive of each county located in whole or in part within the Kentucky River basin. The notice shall schedule a public meeting or a series of public meetings.

(b) After the authority prepares a draft drought response plan or a draft unified long-range water resource plan, it shall notify the public by publishing a notice in the Lexington Herald-Leader and in a local newspaper serving each county located in whole or in part within the Kentucky River basin, and by mailing the notice to the county judge-executive of each county located in whole or in part within the Kentucky River basin. The public notice shall comply with KRS 424.130, shall state that a draft drought response plan or a draft unified long-range water resource plan has been prepared, that copies are available for inspection in accordance with the Kentucky Open Records Act, that copies have been delivered to local libraries, and that the public shall have thirty (30) days from the date of newspaper publication to comment and to request a public hearing.

(3) Public meeting. The authority shall hold a public meeting or a series of public meetings prior to preparing a draft drought response plan or a draft unified long-range water resource plan.

(4) Public comment period. There shall be thirty (30) days from the date set in the newspaper publication pursuant to KRS 424.130 for the public to comment upon a draft drought response plan or a draft unified long-range water resource plan.

(5) Public hearing. If requested within the first fifteen (15) days of the thirty (30) day public comment period described in subsection (4) of this section, the authority shall conduct a public hearing before the close of the public comment period on the draft drought response plan or the draft unified long-range water resource plan. The public hearing shall be conducted in Frankfort unless the authority determines it is more appropriate to hold the public hearing in another county located within the Kentucky River basin. Any person may appear at the public hearing and offer written or oral comments. The authority may limit oral testimony to five (5) minutes or less per speaker.

(6) Consideration of public comments. The authority shall consider all oral and written comments received during the public comment period described in subsection (4) of this section. The authority may prepare a written response to those oral and written comments, and may disseminate copies of the response to commentors and to others requesting copies.

(7) Final action. The authority shall not take final action on a draft drought response plan or a draft unified long-range water supply plan until it has completed its consideration of all public comments. The authority shall publish notice that it has taken final action by publishing a notice in the Lexington Herald-Leader and in a local newspaper serving each county located in whole or in part within the Kentucky River basin, and by mailing the notice to the county judge-executive of each county located in whole or in part within the Kentucky River basin.

Section 6. Advisory Committees.

(1) The authority may appoint advisory committees to assist and to advise the authority.

(2) In appointing advisory committees, the authority shall consider appointing representatives of the public; representatives of federal, state, county or municipal governments; representatives of water resource and water quality agencies; representatives of water-using industries; representatives of water utilities, representatives of groups interested in water-related issues; and representatives of labor and agriculture.

(3) Any person who wishes to serve on an advisory committee may contact the authority in writing and so request. The authority shall consider each request.

Section 7. Request for Authority Action.

(1) Any person may request that the authority consider any matter within its jurisdiction. The request shall be made in writing to the chairman of the authority and shall be submitted at least thirty (30) days in advance of a meeting of the authority in order to be considered at that meeting.

(2) The chairman shall notify the remaining members of the authority of the request for consideration of the matter prior to the next meeting of the authority.

(3) The person making the request for consideration of a matter may appear before the authority at the next meeting and discuss that matter. The authority may limit the time spent on that person's presentation or in consideration of the matter.

(4) The authority may take final action at that meeting, defer final action to a later meeting, or decline to consider the matter.

(20 Ky.R. 877; Am. 1794; eff. 12-17-93; Crt eff. 2-5-2020.)