

151.250 Plans for dams, levees, embankments, dikes, bridges, fill, or other obstruction to be approved and permit issued by cabinet -- Jurisdiction of Department for Natural Resources.

(1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation, or improvement of any dam, embankment, levee, dike, bridge, fill, or other obstruction, except those constructed by the Kentucky Transportation Cabinet, in the floodplain or floodway of any stream, unless the plans and specifications for such work have been:

- (a) Submitted by the person or political subdivision responsible for the construction, reconstruction, or improvement; and
- (b) Approved in writing by the cabinet and a permit issued.

However, the cabinet by administrative regulation may exempt those dams, embankments, or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

- (2) No person, city, county, or other political subdivision of the state shall commence the filling of, or place a building, barrier, or obstruction of any sort in, any area in the floodplain or floodway unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.
- (3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance, or operation of any drainage district, ditch, or system established for agricultural purposes. However, the cabinet may require approval prior to construction of structures, dams, embankments, levees, bridges, fill, or other construction related to agricultural operations that impact the base flood of a stream.
- (4) The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 159, sec. 8, effective June 29, 2023. -- Amended 1982 Ky. Acts ch. 368, sec. 2, effective April 2, 1982. -- Created 1966 Ky. Acts ch. 23, sec. 29.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.