

## **ENERGY AND ENVIRONMENT CABINET**

### **Department for Natural Resources**

#### **Division of Conservation**

**(Amended at ARRS Committee)**

#### **416 KAR 1:001. Definitions for 416 KAR Chapter 1.**

RELATES TO: KRS 146.080 - 146.115, 224.71-100 - 224.71-140, 262.610 - 262.660

STATUTORY AUTHORITY: KRS 146.110, 146.115, 262.090, 262.610, 262.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.110 and 146.115 authorizes the Soil and Water Conservation Commission to promulgate administrative regulations governing administration of the Kentucky Soil Erosion and Water Quality Cost-share Fund. KRS 262.660 authorizes the Soil and Water Conservation Commission to promulgate administrative regulations governing the administration of the Equipment Revolving Loan Fund as expressed in KRS 262.610 through 262.650. This administrative regulation establishes definitions for terms used in 416 KAR Chapter 1.

#### **Section 1. Definitions.**

(1) "Agricultural or silvicultural production" means any farm operation on a tract of land, including all income-producing improvements and farm dwellings, together with other farm buildings and structures incident to the operation and maintenance of the farm, used for the production of livestock, livestock products, poultry, poultry products, milk, milk products, or silviculture products, or for the growing of crops such as tobacco, corn, soybeans, small grains, fruit, and vegetables; or devoted to and meeting the requirements and qualifications for payments to agriculture programs under an agreement with the state or federal government.

(2) "Agriculture water quality plan" is defined by KRS 224.71-100(10).

(3) "Animal waste" means feces, urine, or other excrement, digestive emission, urea, or similar substance emitted by animals, including from any form of livestock, poultry, or fish. This includes animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material typically found with this waste.

(4) "Applicant" for purposes of 416 KAR 1:010, means a person who applies for cost-share assistance from the Kentucky Soil Erosion and Water Quality Cost-share Fund.

(5) "Available funds" means moneys budgeted, unobligated, and distributed to the commission for the purposes of KRS 146.115.

(6) "Best management practices" means, for agricultural or silvicultural production, the most effective, practical, and economical means of reducing and preventing water pollution provided by the United States Department of Agriculture Natural Resources Conservation Service or the Soil and Water Conservation Commission.

(7) "Case file" means the collection of materials that are assembled and maintained for each application for cost-share assistance.

(8) "Conservation district" or "district" is defined by KRS 262.010(3).

(9) "Cost-share assistance" means cost-share funds awarded by the commission from the Kentucky Soil Erosion and Water Quality Cost-share Fund.

(10) "Direct aid" means appropriated funds awarded to conservation districts by the commission.

(11) "District supervisor" means a member of the governing board of a conservation district.

(12) "Division" means the Kentucky Division of Conservation.

(13) "Eligible land" means land on which agricultural or silvicultural production is being conducted.

- (14) "Equipment" means heavy or specialized equipment purchased through the Equipment Revolving Loan Program for the purpose of conserving soil resources, the prevention and control of soil erosion, or the conservation and protection of water resources related to those purposes.
- (15) "Groundwater" means subsurface water occurring in the zone of saturation beneath the water table and any perched water zones below the B soil horizon.
- (16) "Infrastructure" is defined by KRS 262.010(5).
- (17) "Performance and maintenance agreement" means a written agreement between an eligible person and the district in which the eligible person agrees to implement and to maintain the best management practices for which cost-share assistance is being awarded.
- (18) "Primary applicant":
- (a) For purposes of 416 KAR 1:020, means:
    - 1. A conservation district applying on its own for equipment;
    - 2. The person applying jointly with a conservation district for equipment; or
    - 3. A conservation district applying for infrastructure; and
  - (b) Means the entity responsible for monthly payments, insurance, liability, and operational and reporting requirements.
- (19) "Program year" means the period from July 1 to June 30.
- (20) "Soil and Water Conservation Commission" or "commission" means the commission established by KRS 146.090.
- (21) "Surface water":
- (a) Means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters, marshes, and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface; and
  - (b) Does not mean effluent ditches and lagoons used for waste treatment that are situated on property owned, leased, or under valid easement by a permitted discharger.
- (22) "Surplus equipment" means heavy or specialized equipment that is no longer needed or has become unsuitable for use by the district.
- (23) "Water priority protection region" means an area specifically delineated where water pollution from agricultural or silvicultural production has been scientifically documented.
- (24) "Watershed" means all the area from which all drainage passes a given point downstream.
- (50 Ky.R. 1799; eff. 6-6-2024.)

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