

Strategies for States & Tribes Regarding Nationwide General Permits

Samantha Vogeler

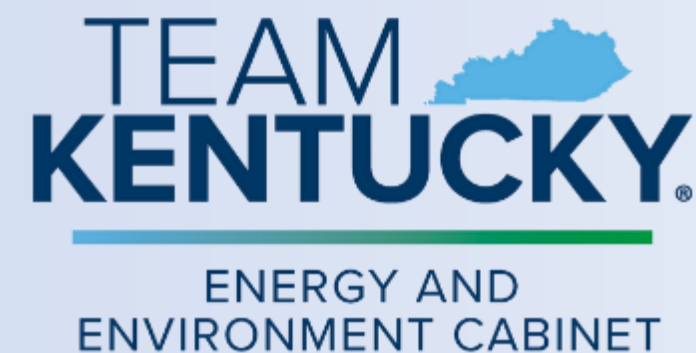
Water Quality Certification

Water Resources Branch

Kentucky Division of Water

Department for Environmental Protection

Energy and Environment Cabinet

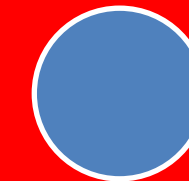
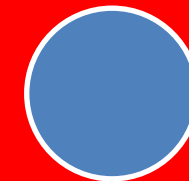
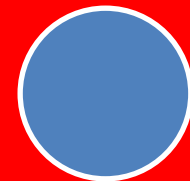
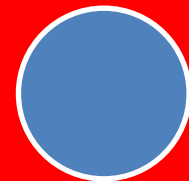
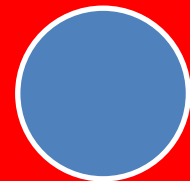


Coordination with the U.S. Army Corps of Engineers

Pre-Filing
Meeting
Request
Received
April 29,
2025

Certification
Request June
18, 2025

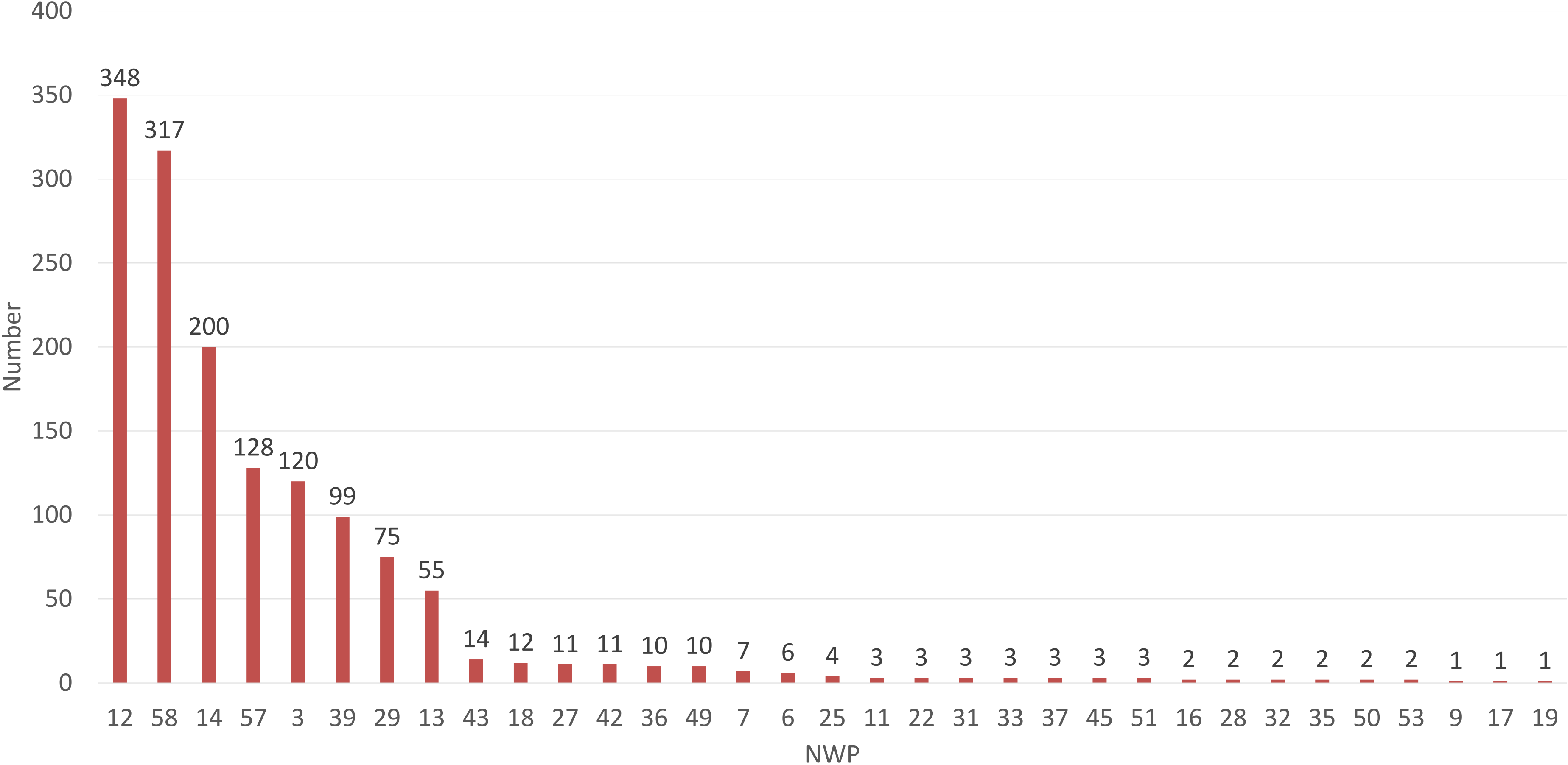
Reasonable
Period of Time
December 18,
2025



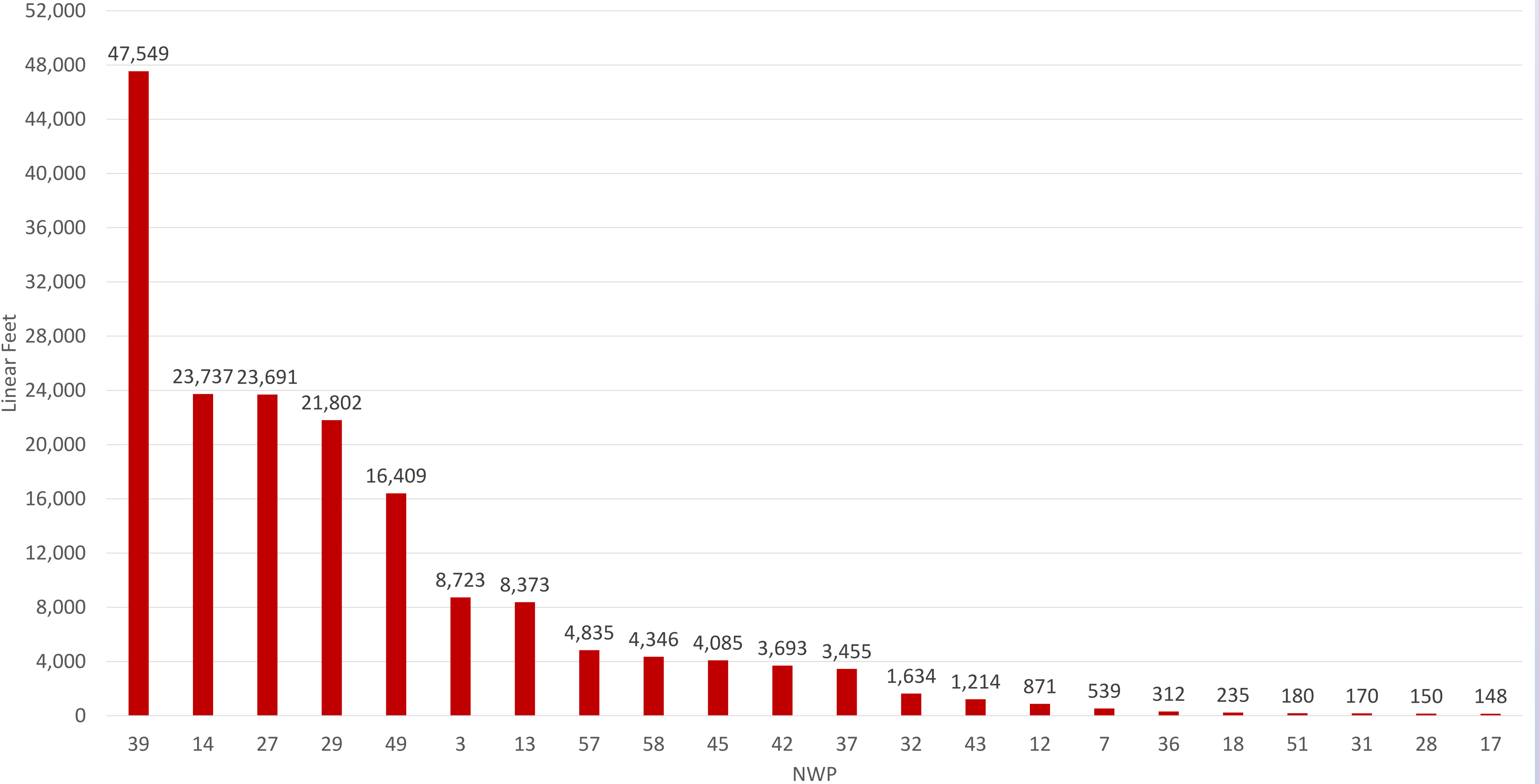
Pre-Filing
Meeting May 20,
2025

Kentucky
Regional
General
Condition
Update

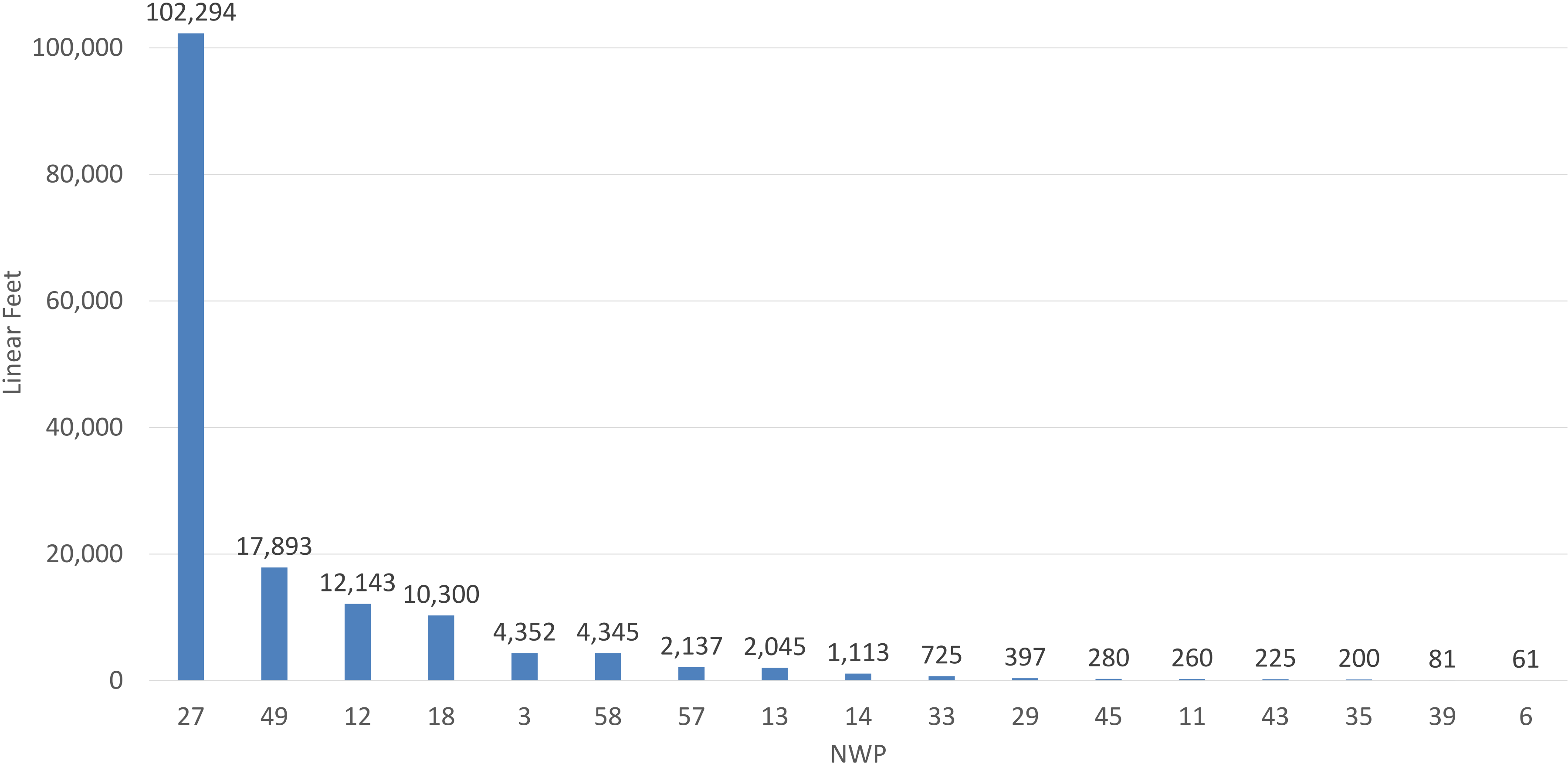
Number of Verified NWP in Kentucky



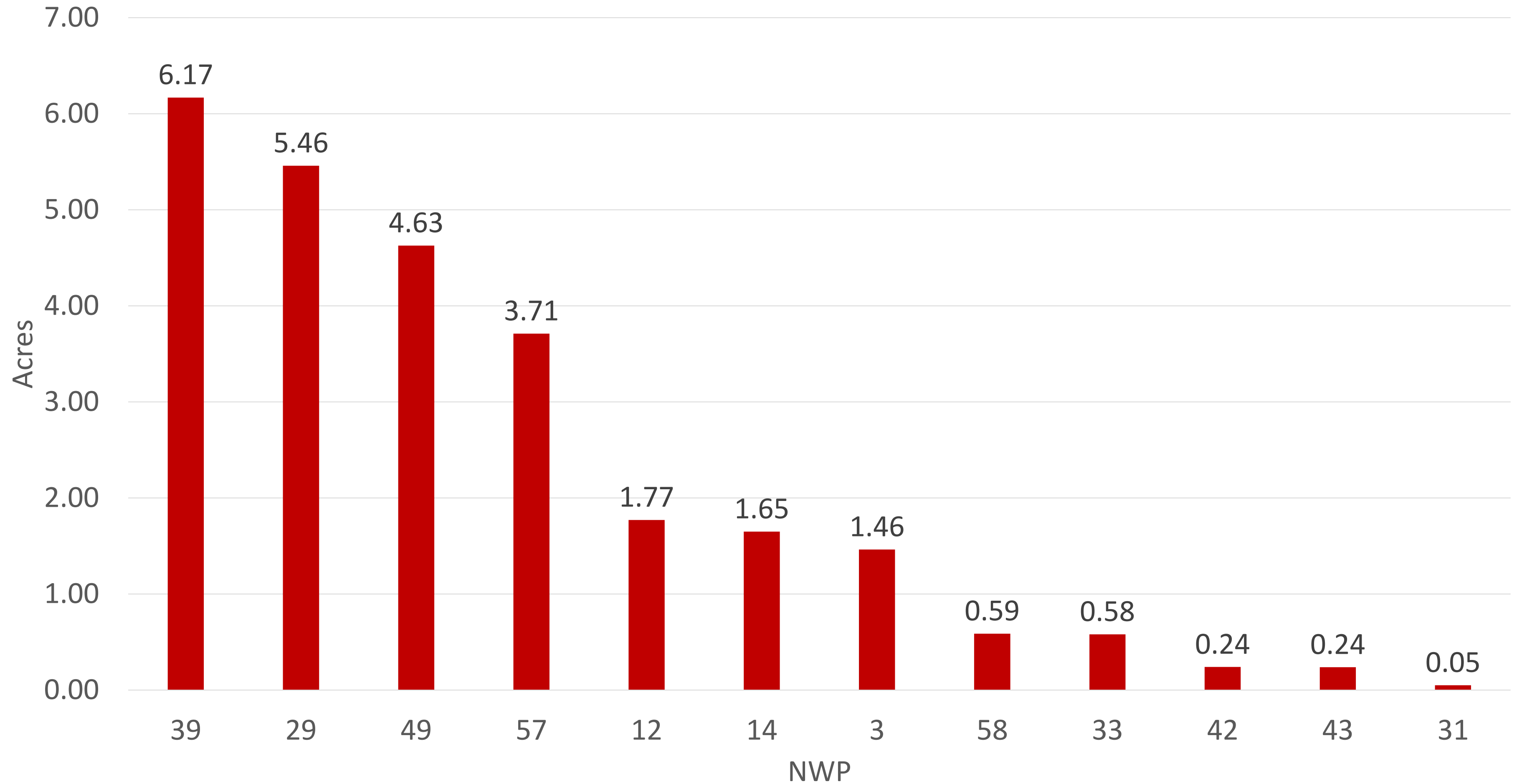
Permanent Stream Impacts by NWP



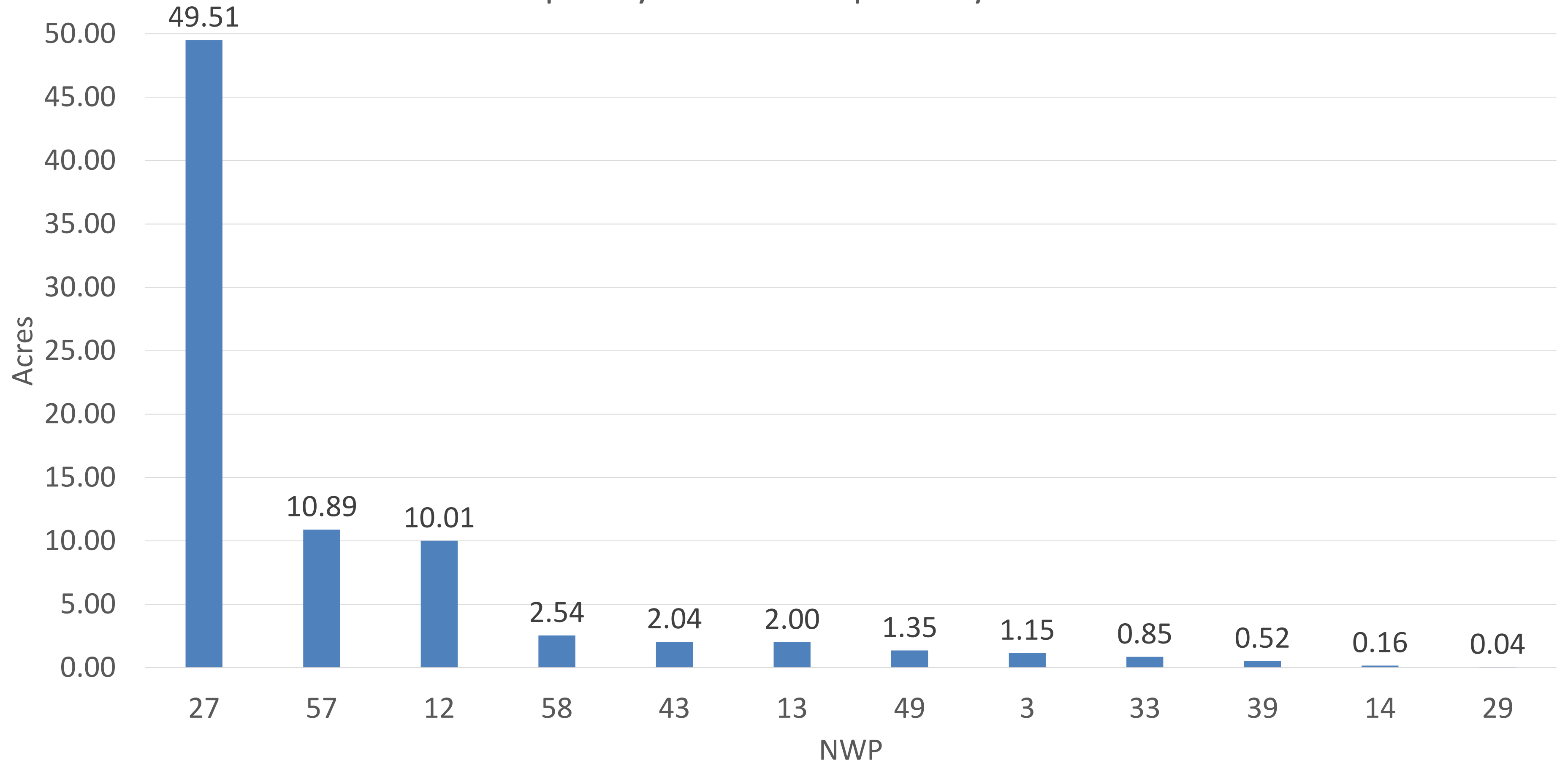
Temporary Stream Impacts by NWP



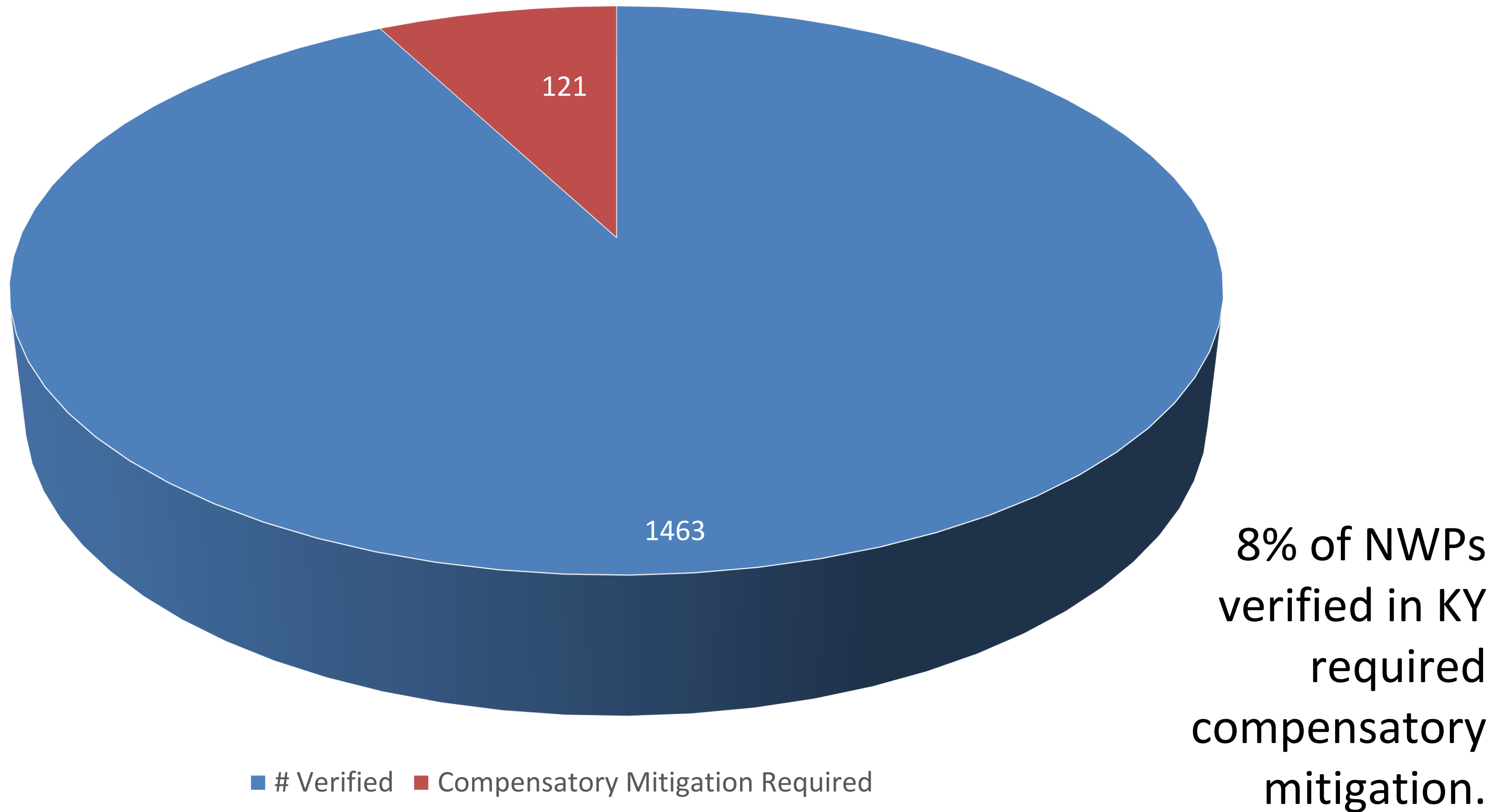
Permanent Wetland Impact by NWP



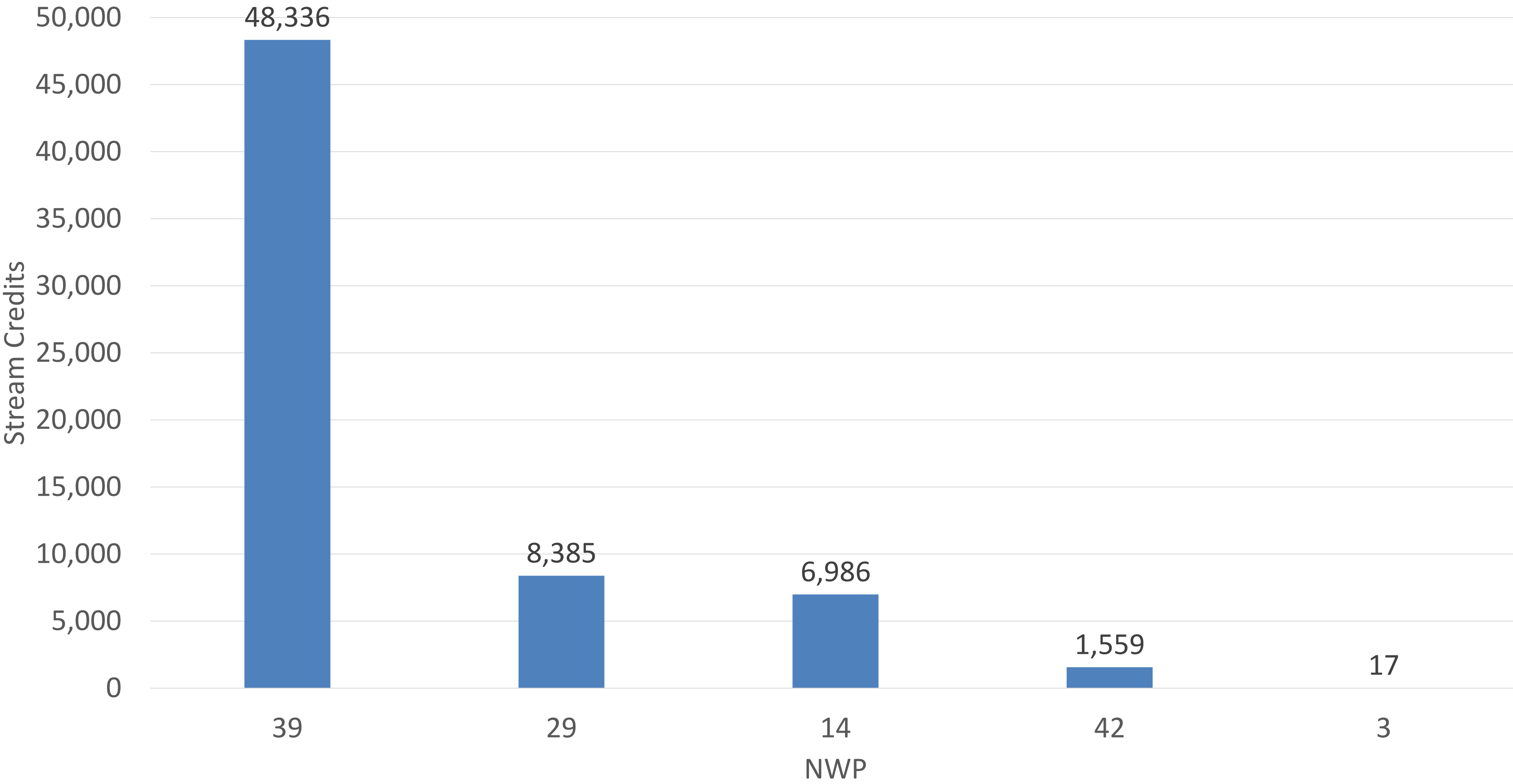
Temporary Wetland Impacts by NWP



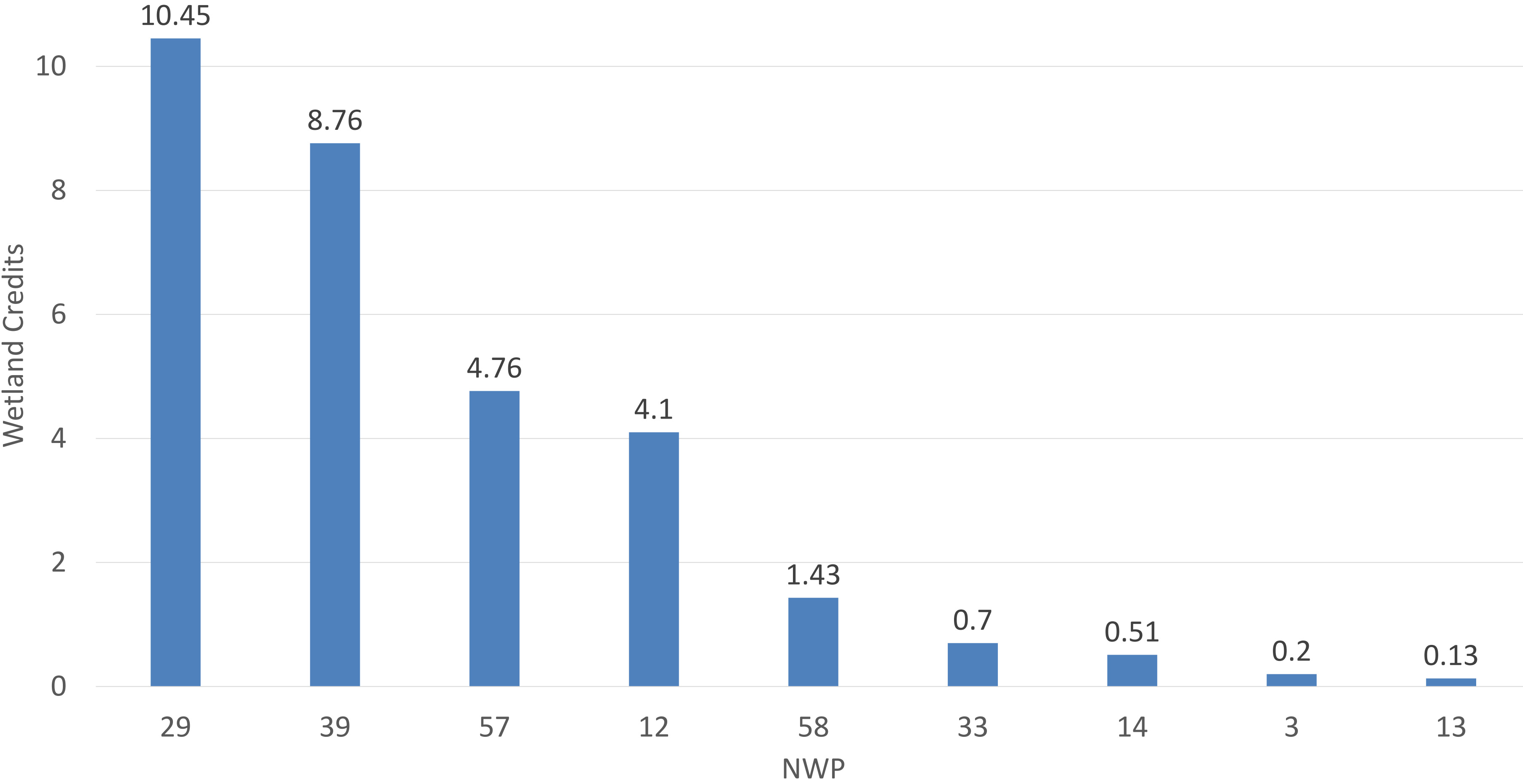
Number of NWP with Compensatory Mitigation Requirements



Compensatory Mitigation Stream Credits Required by NWP

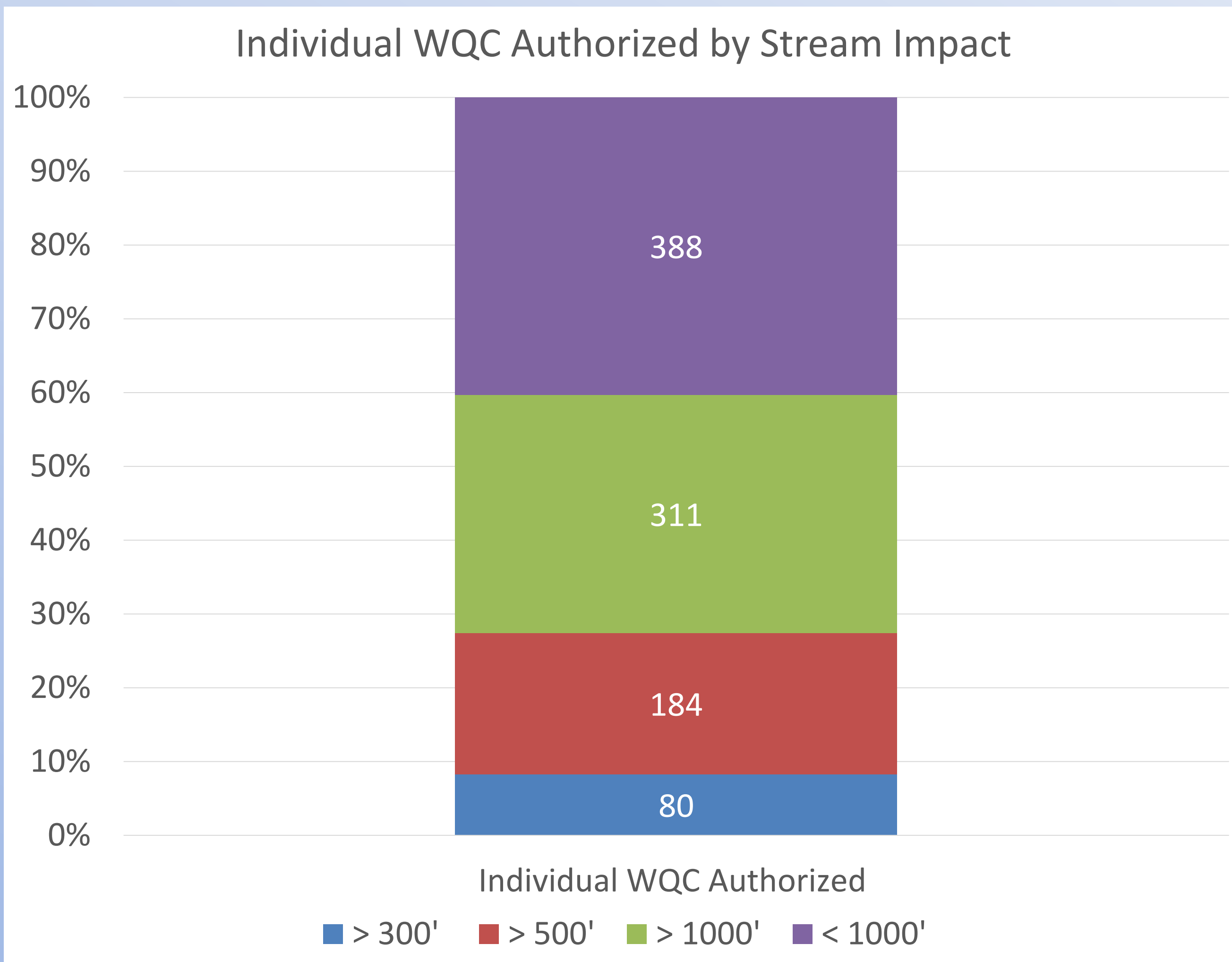


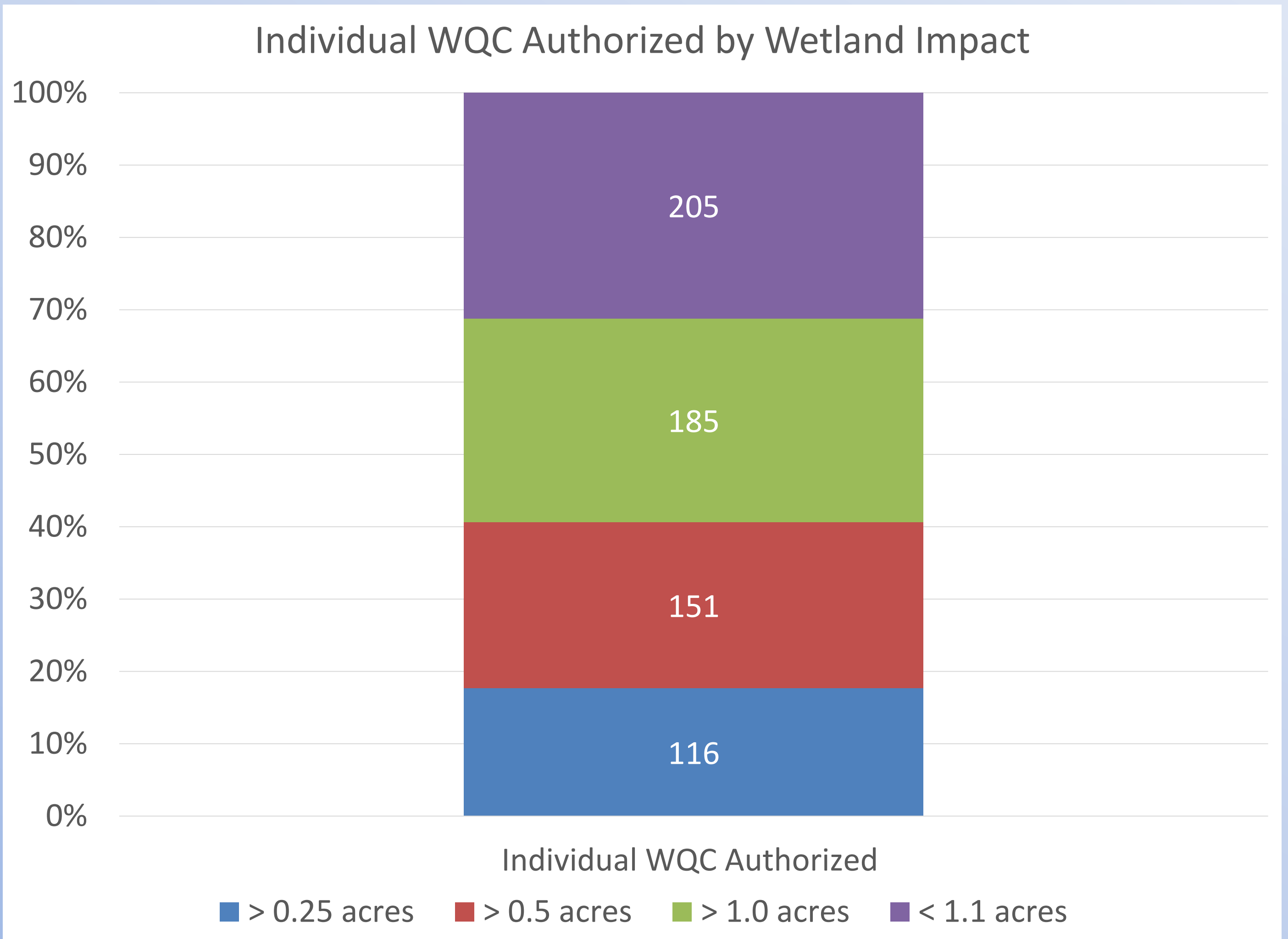
Compensatory Mitigation Wetland Credits Required by NWP



Number of Individual WQC Authorized from 2021-2025

2021	2022	2023	2024	2025
123	162	155	128	93





Review of Draft NWP

- Notes:
 - No changes to limits.
 - No changes to how impacts quantified.
- Concerns:
 - Certifying Draft NWPs
 - Reopener Clauses
 - Certification Request included only specific NWPs
 - NWP 27 –Ecological Reference Definition
- Flags:
 - NWP A – Fish Passage
 - NWP 56 – Finfish Mariculture Activities
 - General Condition 25. Water Quality
 - Addition of *point source discharge into waters of the US.*

Reopener Clause

If the final issued General Permit for Nationwide Permits changes significantly, the Division of Water may opt to deny certification for this permit.

[Statements A and D and citations KRS 224.70– 110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

Updates to Certifications

- No proposed changes to certification decisions
- Updates to conditions – clarifying language
- Considering lower impact threshold for wetlands
- Evaluating conditions for new NWP A for Fish Passage

Thank you.

Samantha Vogeler

Office: 502-782-6995

Cell: 502-229-6661

Samantha.Vogeler@ky.gov

401WQC@ky.gov