



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

August 20, 2014

CALL NO. 313
CONTRACT ID NO. 141043
ADDENDUM # 2

Subject: Marion County, FD04 SPP 078 0049 013-016
Letting August 22, 2014

(1) Revised/Added - US Dept of Army Nationwide Permit - Pages 22-23(n) of 109

Proposal revisions are available at <http://transportation.ky.gov/Construction-Procurement/>.

If you have any questions, please contact us at 502-564-3500.

Sincerely,

A handwritten signature in blue ink that reads "Diana Castle Radcliffe".

Diana Castle Radcliffe
Director
Division of Construction Procurement

DR:ks
Enclosures



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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>

21 JUL '14 AM 10:03

July 17, 2014

Operations Division
Regulatory Branch (South)
ID No. LRL-2014-141

Mr. David Waldner
Director
Kentucky Transportation Cabinet
Division of Environmental Analysis
200 Mero Street
Frankfort, Kentucky 40622

Dear Mr. Waldner:

This is in regard to your application for a Department of the Army (DA) permit dated June 2, 2014, concerning a plan to relocate the unnamed tributaries into box and pipe culverts and ditches to facilitate the realignment of KY 49 (KYTC Item No. 4-8304) near Lebanon, in Marion County, Kentucky. We have reviewed your application and submitted information and have made the following determinations: the work is minor in nature, will not have a significant impact on the environment and should encounter no opposition.

Based on these determinations, your proposed work satisfies the Letter of Permission (LOP) criteria, as specified in our regulations and the procedures outlined in the LOP No. 200600259-pgj, issued on October 3, 2007. Therefore, you are authorized, in accordance with Section 404 of the Clean Water Act (CWA), to fill a total of 3,556 linear feet of stream. The impacts associated with the roadway realignment would include 371 linear feet of ephemeral stream, 2,711 linear feet intermittent stream and 474 linear feet of perennial stream. The mitigation required for the stream impacts would be 1,964 Adjusted Mitigation Units (AMU's). Impacts would occur within Caney Creek, and unnamed tributaries of Caney Creek. The work that is authorized by this LOP will also be subject to the attached General Conditions and the following Special Conditions:

- 1) The project shall be constructed in accordance with plans included in the June 2, 2014, application for Kentucky Transportation Cabinet, Item No. 5-0395 for Department of the Army Permit.
- 2) The permittee shall install and maintain adequate erosion/sedimentation controls around all disturbed earthen areas until such time as those areas have been stabilized and revegetated.

- 3) The permittee shall provide to this office receipt from the Kentucky Department of Fish and Wildlife Resources Stream and Wetland Mitigation Trust Fund for purchase of credits to offset 1,664 AMUs for stream impacts. Purchase of credits must be made prior to the discharge of fill into "waters of the United States". Inquiries regarding credit purchase may be made directly to KDFWR by calling Mr. Mike Hardin (502) 564-7109 ext. 4471, by email at: mike.hardin@ky.gov, or in writing at: Assistant Director, Division of Fisheries #1 Sportsman's Lane, Frankfort, Kentucky, 40601.
- 4) The permittee shall adhere to the Indiana Bat Programmatic Agreement as outlined in the Memorandum of Agreement between the Federal Highways Administration, U.S. Fish and Wildlife Service-Kentucky Field Office and Kentucky Transportation Cabinet.
- 5) The time limit for completing the work authorized ends on July 15, 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
- 6) Upon completion of construction, you are to notify the District Engineer. The enclosed Completion Report form must be completed and returned to this office.

For your information, effective March 9, 1999, the Corps of Engineers instituted an administrative appeals process. A permit applicant may appeal an individual permit denial or an individual permit that was issued with conditions (a proffered individual permit). To initiate the appeals process regarding the terms and conditions of this permit, you must write a letter to the district engineer explaining your objections to the permit. The enclosed Notification of Applicant Options (NAO) outlines the initial appeals process and options available to you. The objection letter must be received by the District Engineer within 60 days of the date of the NAO. Please be aware that no work can occur in jurisdictional waters until the appeals process is completed.

This authorization will be effective as soon as we receive your signed acceptance of these conditions. Please sign and date the duplicate copy of this letter in the space provided and return the signed copy in the enclosed envelope. Note that we also perform periodic inspections to ensure compliance with our permit conditions and appropriate Federal laws.

Copies of this letter will be sent to the appropriate coordinating agencies (see enclosure for addresses).

FOR THE DISTRICT ENGINEER:



Todd Hagman
Project Manager
Regulatory Branch

Enclosures

(I accept the conditions of this authorization):



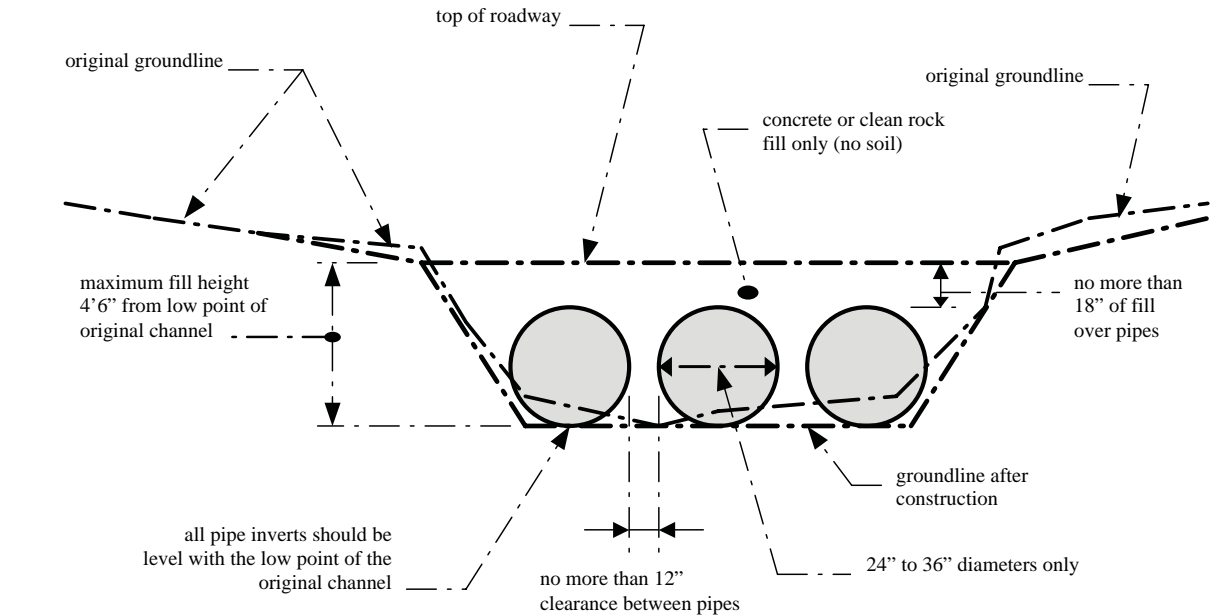
Kentucky Transportation Cabinet

Date

GENERAL CONDITIONS FOR WATER QUALITY CERTIFICATION

1. The Kentucky Division of Water may require submission of a formal application for an Individual Certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
2. Nationwide permits issued by the U.S. Army Corps of Engineers for projects in Outstanding State Resource Waters, Cold Water Aquatic Habitats, and Exceptional Waters as defined by 401 KAR 10:026 shall require individual water quality certifications.
3. Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.
4. Sediment and erosion control measures (e.g., check-dams, silt fencing, or hay bales) shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, placement shall not be conducted in such a manner that may cause instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control measures shall be removed and the natural grade restored prior to withdrawal from the site.
5. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
6. To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow.
7. Heavy equipment (e.g. bulldozers, backhoes, draglines, etc.), if required for this project, should not be used or operated within the stream channel. In those instances where such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize re-suspension of sediments and disturbance to the channel, banks, or riparian vegetation.
8. If there are water supply intakes located downstream that may be affected by increased turbidity, the permittee shall notify the operator when work will be performed.
9. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
10. Should stream pollution, wetland impairment, and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling 800/564-2380.

ATTACHMENT 1



- NOTES:**
1. This is a conceptual drawing. The number and size of pipes and other details will vary depending on specific site conditions.
 2. The pipes and backfill must be contained within the stream channel as shown above. During the construction of the approaches and access roadway across the floodplain, unstable and unconsolidated materials unsuitable for roadways may be excavated and replaced with riprap, crushed stone, or other stable road construction materials. This may only be done, however, with the following provisions: (1) the disposal of excess, unconsolidated materials thus excavated must be outside of the floodplain and (2) the finished surface of the completed road may be no more than three inches (3") above the pre-construction surface of the floodplain at any point beyond the top of banks.

LOW-WATER CROSSING

STANDARD DRAWING
Not to Scale