

**WETLAND FINDING**  
**FOR**  
**FEDERAL-AID PROJECTS COVERED UNDER**  
**THE PROGRAMMATIC CATEGORICAL EXCLUSION AGREEMENT**

This statement sets forth the basis for finding that there is no practical alternative to construction in wetlands for those Federal-aid projects described in Section B of this Programmatic Categorical Exclusion Agreement and primarily involving reconstruction, resurfacing, rehabilitation, safety, or restoration of existing highways and bridges or replacement of existing bridges in the State of Kentucky, and that all practicable measures to minimize harm to the wetlands, which may result from such use, will be taken. This finding is made in accordance with the requirements of Executive Order 11990 on the Protection of Wetlands, dated May 1, 1977, as it may be superseded.

The State of Kentucky contains wetland areas along State and local highways and bridges in which Federal participation is requested for the reconstruction, resurfacing, rehabilitation, restoration, safety improvements, or bridge replacements by the State and local transportation agencies. Such safety improvements or bridge replacement projects are constructed substantially within the existing highway right-of-way on their existing location or require only minor amounts of permanent or temporary right-of-way for construction. The type of work could include resurfacing, widening of the pavement and shoulders, improvement of slopes, extension of culverts and ditch reconstruction, safety improvements, as well as reconstruction, widening or replacement of bridges, culverts, and other work necessary to preserve the existing transportation facility. The projects are constructed in accordance with current policies and standards of the Kentucky Transportation Cabinet, American Association of State Highway and Transportation Officials, and Federal Highway Administration in order to provide a safe, efficient, and convenient transportation facility at the lowest cost for public use. The types of projects to be constructed are classified as Class II Federal-aid actions as described in 23 CFR 771.115(b) and 23 CFR 771.117(c) and (d). Such projects individually or cumulatively do not have a significant effect on the environment.

There are no practical alternatives to the construction of the above types of Federal-aid projects in wetlands. To do nothing with only normal maintenance would not satisfy the needs for an improved facility meeting the above standards to safely accommodate present and future traffic volumes. The roadway or bridge would continue to deteriorate until its useful service life was exceeded and seriously affect the safety of the motoring public and the general welfare and economy of the area.

The above types of Federal-aid projects cannot be constructed to completely avoid wetlands. To completely avoid wetlands, substandard safety standards and/or construction on new alignment would need to be utilized, jeopardizing the safety of the traveling public, requiring the acquisition of additional right-of-way or relocation, and causing more serious environmental damage to adjacent wetland or upland areas at considerable additional cost. More accidents and loss of human life could result if substandard designs were not addressed.

The above types of Federal-aid projects include all practicable measures to minimize harm to wetlands.

The Kentucky Transportation Cabinet or the local transportation agency will assure that the work is limited to the existing highway right-of-way or involves only minor amounts of new right-of-way to minimize harm to the remaining wetlands outside of the existing highway right-of-way.

Appropriate erosion and sedimentation control and other measures required by the current KYTC Standard Specifications and special provisions will be implemented during construction.

During design, KYTC or the local transportation agency will coordinate with the Kentucky Department of Natural Resources and/or Corps of Engineer (COE), and other State or local agencies, as appropriate, to develop reasonable mitigation and secure the required approved permits for construction in wetlands prior to proceeding with the work. Additional measures, as outlined in the conditions of the approved permit and mutually agreed upon between the KYTC or the local transportation agency and the permitting agencies, will be employed to minimize harm to the wetlands affected. The work in wetlands will include those categories of activities described in the following Federal permits, regulations, or agreements:

Dredge or fill activities covered by and that satisfy the conditions of the Corps of Engineers (COE) nationwide or Regional permits issued by the COE for waters of the United States under the COE jurisdiction (Title 23 CFR part 320-330 published November 13, 1986, as amended), and individual permit actions for 1 acre or less of impacted wetlands.

Based on the above considerations, it is determined that there is no practicable alternative to the proposed new construction in wetlands for the above types of Federal-aid projects and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

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Date

