



COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

Andy Beshear  
GOVERNOR

Jim Gray  
SECRETARY

April 12, 2022

CALL NO. 100  
CONTRACT ID NO. 221022  
ADDENDUM # 1

Subject: Wolfe County, NHPP 0061(066)  
Letting April 28, 2022

(1) Added - Special Note - Pages 1-13 of 13

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

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

Sincerely,

Rachel Mills,

A handwritten signature in cursive script that reads "Rachel Mills".

Rachel Mills, P.E.  
Director  
Division of Construction Procurement

RM:mr  
Enclosures

## ***SPECIAL NOTE***

### **General Utility Coordination**

The Contractor shall communicate, cooperate, and coordinate with the Department, the utility owners, and potentially affected third parties, as necessary for the utility relocation work. The Contractor shall be responsible for all coordination needed to ensure that the road construction and utility relocation work may concurrently and effectively take place.

This item shall include assignment of a Utility Coordinator for the project to coordinate plans, work and schedules directly with the utility companies and KYTC personnel. The Utility Coordinator shall be a licensed professional engineer with project management experience. This item includes responsibility to ensure the project progresses efficiently and in accordance with the proposed contract documents. The Department may consult the Utility Coordinator on matters of utility work design, construction, cost, and/or schedule. Any changes in the proposed scope, design, construction, cost, and/or schedule for the utility work shall be approved by the Department. This item includes conducting monthly coordination meetings with involved utility companies and as needed on project site visits to manage utility relocation activity, resolve conflicts with the road activity, and minimize impact to the project. The department shall be invited to Utility Coordination meetings.

The Department will consider payment as full compensation for all work required under this note.

Code	Item Description	Unit
24845EC	Utility Coordination	Lump Sum

## UTILITIES AND RAIL CERTIFICATION NOTE

**Wolfe County**  
**000NH0061066**  
**FD52 119 9009 045-057**  
**Mile point: 45.800 TO 56.800**  
**MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MTN PKY TO 4 LANES FROM 0.6 MI W OF KY 191**  
**OVERPASS TO 0.45 MI W OF KY 205 INTERCHANGE. (SEE 10-126.03 FOR PE & ENVIR**  
**FUNDS)(2012BOP)(14CCR)(16CCR)**  
**ITEM NUMBER: 10-168.00**

### PROJECT NOTES ON UTILITIES

For all projects under 2000 Linear feet which require a normal excavation locate request pursuant to KRS 367.4901-4917, the awarded contractor shall field mark the proposed excavation or construction boundaries of the project (also called white lining) using the procedure set forth in KRS 367.4909(9)(k). For all projects over 2000 linear feet, which are defined as a "Large Project" in KRS 367.4903(18), the awarded contractor shall initially mark the first 2000 linear feet minimally of proposed excavation or construction boundaries of the project to be worked using the procedure set forth in KRS 367.4909(9)(k). This temporary field locating of the project excavation boundary shall take place prior to submitting an excavation location request to the underground utility protection Kentucky Contact Center. For large projects, the awarded contractor shall work with the impacted utilities to determine when additional white lining of the remainder of the project site will take place. This provision shall not alter or relieve the awarded contractor from complying with requirements of KRS 367.4905 to 367.4917 in their entirety.

Please Note: The information presented in this Utility Note is informational in nature and the information contained herein is not guaranteed.

The contractor will be responsible for contacting all utility facility owners on the subject project to coordinate his activities. The contractor will coordinate his activities to minimize and, where possible, avoid conflicts with utility facilities. Due to the nature of the work proposed, it is unlikely to conflict with the existing utilities beyond minor facility adjustments. Where conflicts with utility facilities are unavoidable, the contractor will coordinate any necessary relocation work with the facility owner and Resident Engineer. The Kentucky Transportation Cabinet maintains the right to remove or alter portions of this contract if a utility conflict occurs. The utility facilities as noted in the previous section(s) have been determined using data garnered by varied means and with varying degrees of accuracy: from the facility owners, a result of S.U.E., field inspections, and/or reviews of record drawings. The facilities defined may not be inclusive of all utilities in the project scope and are not Level A quality, unless specified as such. It is the contractor's responsibility to verify all utilities and their respective locations before excavating.

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The contractor shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor’s responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. The contractor is instructed to contact KY 811 for the location of existing underground utilities. Contact shall be made a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY 811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom are to be contacted through their individual Protection Notification Center. It may be necessary for the contractor to contact the County Court Clerk to determine what utility companies have facilities in the area. Non-compliance with these directives can result in the enforcement of penalties.

**NOTE: DO NOT DISTURB THE FOLLOWING FACILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS**

**AEP Transmission**– has facilities crossing the Mountain Parkway at STA 263+00 that are to remain in place.

**Licking Valley RECC** has facilities from the beginning of the project RT to STA 190+00 LT including new proposed crossing near STA 116+00. LVRECC also has existing facilities from STA 310+00 to STA 415+00 LT. and has existing crossings to remain in place near STA 221+20, STA 232+25, and STA 606+50

**Mountain Telephone Cooperative** has existing crossings over the Mountain Parkway that will remain in place near STA 221+20 and STA 232+25. MTC will abandon an in-place crossing near STA 252+25 and a buried Fiber crossing at STA 606+50. MTC will also abandon in place facilities located near STA 225+75 to STA 233+25 RT

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**AT&T** currently exists along the Mountain Parkway. They have existing facilities not to be disturbed at the following locations: STA 315+00 to STA 385+50 LT, STA 399+00 to STA 503+00 LT, STA 631+00 LT to STA 636+00 RT including crossing, STA 664+00 RT to the end of project.

**\*The Contractor is fully responsible for protection of all utilities listed above\***

**THE FOLLOWING FACILITY OWNERS ARE RELOCATING/ADJUSTING THEIR FACILITIES WITHIN THE PROJECT LIMITS AND WILL BE COMPLETE PRIOR TO CONSTRUCTION**

**East Kentucky Power Cooperative, Inc.** has transmission lines crossing the Mountain Parkway near STA 615+00. Those lines will remain in place. EKPC has provided relocation plans for a new Steel Pole H-Frame Transmission Line Structure to be constructed 10' off of R/W 272' RT of STA 619+45. The company's relocation submittal has estimated thirty (30) working days to complete the relocation of their facilities. The company's estimated completion date is May 15, 2022.

**THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE OWNER OR THEIR SUBCONTRACTOR AND IS TO BE COORDINATED WITH THE ROAD CONTRACT**

**East Kentucky Midstream, LLC** has provided a set of relocation plans. Relocation construction activities are set to begin. The company's relocation submittal has estimated approximately sixty (60) working days to complete the relocation of their facilities. The company's estimated completion date is August 15, 2022

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**Mountain Telephone Cooperative** has provided a set of relocation plans. The company will follow Licking Valley RECC’s pole route for a portion of the project, consequently they must coordinate their relocation activities with Licking Valley RECC. The Company’s relocation submittal has estimated approximately sixty (60) working days to complete the relocation of their facilities, however, their work is contingent upon Licking Valley RECC’s work. The Company’s estimated completion date is October 1, 2022

**Licking Valley RECC** has provided a set of relocation plans. Relocation construction activities have begun. The Company’s relocation submittal estimated approximately one hundred fifty (150) consecutive days to complete the relocation of their facilities. The Company’s estimated completion date is August 1, 2022.

**AT&T** has provided a set of relocation plans. AT&T has facilities that will be abandon in place from the beginning of the project to STA 135+00 LT. AT&T has existing facilities that will be removed by the owner during the road contract from STA 503+00 TO 552+00 LT and from 636+00 to 664+00 RT. The Company has estimated approximately one hundred eighty (180) working days to complete the relocation of their facilities. The Company’s estimated completion date is February 16, 2023

**THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE ROAD CONTRACTOR AS INCLUDED IN THIS CONTRACT**

City of Campton Water relocation/adjustment of their facilities is included as a part of the Cabinet’s highway construction contract

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**RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED**

No Rail Involvement   
  Rail Involved   
  Rail Adjacent

### AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
AEP – Electric Transmission	1281 N. Electric Rd Roanoke, VA 24019	Scott Woody	5405627113	jfwoody@aep.com
AT&T - KY - Telephone	29 Willis Branch Prestonsburg KY 41653	Jack Salyer	6064249328	js2299@att.com
City of Campton - Water	PO Box 35 Campton KY 41301	Katherine May	6066683574	denarice870@yahoo.com
East Kentucky Midstream, LLC - Natural Gas	P.O. Box 1666 Salyersville KY 41465	Jack Banks	6064346157	jbanksekm20@gmail.com
East Kentucky Power Cooperative, Inc. – Electric Transmission	P.O. Box 707 Winchester KY 40392	Lucas Spencer	8597459383	Lucas.Spencer@ekpc.coop

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Licking Valley RECC - Electric	271 Main Street West Liberty Ky 41472	Wes McKinney	6067433179	wesm@lvrecc.com
Mountain Telephone Cooperative - Telephone	P.O. Box 399 West Liberty KY 41472	Steven Gullett	6067433121	sgullett@mountaintelephone.com

### KENTUCKY TRANSPORTATION CABINET COMMUNICATING ALL PROMISES (CAP)

Item No. 10 - 168      County: Wolfe      Route: 9,009      Project Manager: ARIC SKAGGS

3/14/22

CAP #	Date of Promise	Promise made to:	Location of Promise:	CAP Description
				No CAP Notes

NO CAP NOTES FOR THIS PROJECT



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT  
600 DR. MARTIN LUTHER KING JR PL  
LOUISVILLE, KY 40202

March 11, 2022

Regulatory Division  
South Branch (RDS)  
ID No. LRL-2021-00071

Mr. Greg Preece  
Kentucky Transportation Cabinet (KYTC)  
200 Mero Street  
Frankfort, Kentucky 40601

Dear Mr. Preece:

This is in response to your request for a Department of the Army (DA) permit to widen and relocate approximately 11.2 miles of KY 9009 (Mountain Parkway.) from the KY 191 overpass bridge to the KY 205 interchange in Wolfe County, Kentucky. (KYTC Item No. 10-168). We have reviewed your application 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. Therefore, you are authorized, in accordance with 33 USC 403, to place fill material into approximately 13,986 linear feet of ephemeral stream, 16,762 linear feet of intermittent stream, 6,712 linear feet of perennial stream, and 2.885 acre of wetlands of tributaries to Track Fork, Stillwater Creek, Landsaw Creek and the Red River. This permission is granted with the following Special Conditions:

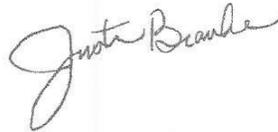
- a. All work authorized by this permit shall be performed in strict compliance with the attached plans dated January 27, 2022, for KYTC Item No. 10-168.00, which are a part of this permit. Any modification to these plans affecting the authorized work shall be approved by the U.S. Army Corps of Engineers, Louisville District (USACE) prior to implementation.
- b. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, drawings and attachments shall be available at the project site during the construction phase of this project. A description of the authorized work, as provided in the DA permit on ENG FORM 4336, shall be displayed at the project site during construction.
- c. The Permittee shall comply with all conditions of the Section 401 Water Quality Certification No. WQCLOP2022-012-7, dated February 2, 2022, issued by the KDOW, which are incorporated herein by reference.

- d. The Permittee shall provide receipt of payment from the KDFWR FILO for the purchase of 16,113 stream EIUs and 7.0 wetland AMUs. Credits must be purchased prior to the discharge of fill material into "waters of the United States." Please note that the cost per credit is determined by KDFWR, in accordance with the requirements set forth in 33 CFR 332.8, and may increase or decrease.
- e. If stream EIUs are available at an approved KYTC advance mitigation bank, or another approved mitigation bank and the permittee wishes to use those EIUs for this project, the permittee must request the debiting of stream EIUs from the Corps in writing and must receive the approval from the Corps prior to the discharge of fill material into "waters of the United States." In the case of a KYTC mitigation bank, the Corps will update the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) by debiting 13,428 stream EIUs and 5.8 wetland AMUs from the KYTC advance mitigation bank ledger. This update will confirm the use of the credits. In the case of an approved non-KYTC mitigation bank, KYTC must provide a receipt as proof that 13,428 stream EIUs and 5.8 wetland AMUs have been purchased prior to the discharge.
- f. To compensate for the removal of summer roosting habitat for the Indiana bat and NLEB, the permittee shall comply with the processes identified in the 2020 KYTC- FHWA Programmatic Bat Program for Foraging Habitat, and Summer/Temporary Roosting in the Commonwealth of Kentucky between the Federal Highway Administration (FHWA), KYTC, and the USFWS Kentucky Field Office.
- g. To minimize potential adverse effects on gray bat foraging habitat, the permittee shall implement sediment and erosion control measures on pages 17-18 of the BA and seasonal tree clearing restrictions, from June 1 to July 31, shall be adhered to.
- h. This Department of the Army permit does not authorize you to take an endangered species, in particular the Indiana Bat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service Biological Opinion (B) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Department of the Army permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Department of the Army permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.
- i. The time limit for completing the work authorized ends on **March 11, 2027**. 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.
- j. Upon completion of construction, you are to notify the District Engineer. The enclosed Completion Report form must be completed and returned to this office.
- k. You must agree to comply with the enclosed General Conditions.

If you have any questions, please contact this office by writing to the above address, ATTN: CELRL-RDS, or by calling Mrs. Crystal Byrd at (606) 784-9709. All correspondence pertaining to this matter should refer to our ID No. LRL-2021-00071.

FOR THE DISTRICT ENGINEER:

Sincerely,



Justin Branham  
Team Leader  
East Kentucky Regulatory Office  
Regulatory Division

Enclosures

(I accept the conditions of this authorization):

  
\_\_\_\_\_  
Kentucky Transportation Cabinet

3/15/22  
\_\_\_\_\_  
Date

**AUTHORIZED AGENT**

Mr. Stephen Rice  
HMB Professional Engineers, Inc.  
3 HMB Circle  
Frankfort, Kentucky 40601  
[srice@hmbpe.com](mailto:srice@hmbpe.com)

**COORDINATING AGENCIES**

**Addresses for Coordinating Agencies**

Ms. Ashley Monroe  
USEPA, R4, WPD, WCOB, WRS  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960  
[monroe.ashley@epa.gov](mailto:monroe.ashley@epa.gov)

U.S. Fish & Wildlife Service  
J.C. Watts Federal Building  
330 West Broadway, Suite 265  
Frankfort, KY 40601  
[kentuckyES@fws.gov](mailto:kentuckyES@fws.gov)

Director  
Water Quality Certification Section  
Division of Water  
300 Sower Boulevard  
Frankfort, KY 40601  
[Samantha.vogeler@ky.gov](mailto:Samantha.vogeler@ky.gov)

Ky. Dept. of Fish and Wildlife Resources  
#1 Game Farm Road  
Frankfort, KY 40601  
[Doug.dawson@ky.gov](mailto:Doug.dawson@ky.gov)

Executive Director  
State Historic Preservation Officer  
Kentucky Heritage Council  
The Barstow House  
410 High Street, Frankfort, KY 40601  
[Craig.potts@ky.gov](mailto:Craig.potts@ky.gov)

US ARMY CORPS OF ENGINEERS  
LOUISVILLE DISTRICT  
REGULATORY DIVISION  
P. O. BOX 59  
LOUISVILLE, KY 40201-0059  
(502) 315-6733  
COMPLETION REPORT

<b>COE ID No.</b>	<u>LRL-2021-00071</u>	<b>Date.</b>	
<b>Permittee Name:</b>	_____		
<b>Corporate Name:</b>	_____		
<b>Address:</b>	_____		
	_____		
	<b>City</b>	<b>State</b>	<b>Zip Code</b>
<b>Telephone No.</b>	_____		
<b>Agent Name:</b>	_____		
<b>Corporate Name:</b>	_____		
<b>Address:</b>	_____		
	_____		
	<b>City</b>	<b>State</b>	<b>Zip Code</b>
<b>Telephone No.</b>	_____		
<b>Location Description:</b>	_____		
	_____		
	_____		
<b>County</b>	_____	<b>State</b>	_____
<b>Linear Feet of Stream Impact:</b>	__	<b>Acres of Wetland Impact:</b>	_____

**Has all the work on this project been completed according to plans, specifications, and conditions of the permit? Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If not, explain:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Permittee Signature**