



TRANSPORTATION CABINET

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

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

October 8, 2012

CALL NO. 206
CONTRACT ID NO. 121354
ADDENDUM # 1

Subject: Marshall-Trigg Counties, 121GR12D054-BRO
Letting October 19, 2012

- (1) Revised - Table of Contents - Page 2 of 177
- (2) Added - Dept. of the Army - Pages 129(a)-129(j) of 177

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 "Ryan Griffith".

Ryan Griffith
Director
Division of Construction Procurement

RG:ks
Enclosures



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TABLE OF CONTENTS

PART I	SCOPE OF WORK
	<ul style="list-style-type: none">• PROJECT(S), COMPLETION DATE(S), & LIQUIDATED DAMAGES• CONTRACT NOTES• FEDERAL CONTRACT NOTES• TRAINEES APPLICABLE• SPECIAL NOTE(S) APPLICABLE TO PROJECT• WASTE AND BORROW SITES• RIGHT OF WAY NOTES• UTILITY CLEARANCE• KPDES STORM WATER PERMIT, BMP AND NOI• COMMUNICATING ALL PROMISES• PERMIT(S)• MATERIAL SUMMARY• PRE-BID CONFERENCE
PART II	SPECIFICATIONS AND STANDARD DRAWINGS
	<ul style="list-style-type: none">• SPECIFICATIONS REFERENCE• SUPPLEMENTAL SPECIFICATION
PART III	EMPLOYMENT, WAGE AND RECORD REQUIREMENTS
	<ul style="list-style-type: none">• FEDERAL-AID CONSTRUCTION CONTRACTS - FHWA 1273• NONDISCRIMINATION OF EMPLOYEES• EXECUTIVE BRANCH CODE OF ETHICS• TRAINING SPECIAL PROVISIONS APPLICABLE• PROJECT WAGE RATES• NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EEO• NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EEO
PART IV	INSURANCE
PART V	BID ITEMS

NOTICE

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, DIVISION OF WATER & TVA
(INDIVIDUAL PERMIT, INDIVIDUAL WQC & TVA 26a)
“PENDING AUTHORIZATIONS”**

PROJECT: Marshall & Trigg County, Item 1-180.70
Kentucky 80 / US 68 Kentucky Lagoon Bridge & Kentucky Lake
Causeway

THIS SHALL SERVE AS A NOTICE TO THE CONTRACTOR THAT A DEPARTMENT OF THE ARMY SECTION 404 INDIVIDUAL PERMIT, DIVISION OF WATER SECTION 401 WATER QUALITY CERTIFICATION & TVA SECTION 26a IS REQUIRED AND IS PENDING APPROVALS FOR THIS PROJECT. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY AND SHALL BE SUPERSEDED UPON RECEIPT OF THE APPROVED PERMITS.

THE DEPARTMENT OF THE ARMY PERMITS ARE AUTHORIZED AND ISSUED UNDER AUTHORITY OF SECTION 10 OF THE RIVERS AND HARBOR ACT AND SECTION 404 OF THE CLEAN WATER ACT. IN COMPLIANCE WITH THE U.S. ARMY CORPS OF ENGINEERS' SECTION 404 REGULATIONS AND PROCEDURES, THE CONTRACTOR **SHALL NOT PERFORM THE PROPOSED WORK WHICH INVOLVES IMPACTS TO WATERS OF THE UNITED STATES**, UNTIL THE KENTUCKY TRANSPORTATION CABINET HAS SECURED THE APPROPRIATE APPROVALS AND HAS PROVIDED COPIES OF THESE APPROVALS TO THE CONTRACTOR.

Section 404 and Section 10 – United States Army Corps of Engineers
Section 401 WQC – Kentucky Division of Water
Section 26A – TVA
US 68/KY 80 over Kentucky Lake, Eggner Ferry Bridge Replacement
Marshall/Trigg Counties, Kentucky; Item No. 01-180.70

5.0 INVENTORY OF SECTION 404, 401, AND 26A IMPACTS

All impacts from this project are located within the Tennessee River (06040005310130) 14-digit HUC watershed.

5.1 Stream Impacts

This project causes **no stream impacts**. On the west side of Kentucky Lake, only non-jurisdictional roadside ditches are impacted. On the east side of Kentucky Lake, grading and stream impacts were already accomplished with the US 68/KY 80 reconstruction in the Land Between the Lakes.

5.2 Pond and Wetlands Impacts

Eco-Tech Consultants of Frankfort, Kentucky, was contracted by KYTC to survey an area west of Kentucky Lake, directly north of where the Eggner Ferry Bridge (KY 68/80) makes landfall, for potential jurisdictional waters as defined by the USACE. The site consisted of 2.07 acres of jurisdictional waters: a 1.56-acre pond (palustrine unconsolidated bottom; PUB1/3F) connected to Kentucky Lake through a small inlet; a 0.29-acre palustrine forested wetland (PFO6F); and a 0.22-acre palustrine emergent wetland (PEM1F). During winter pool when the TVA lowers the lake level, water recedes from the edge of these wetlands exposing an area of mudflat which often becomes covered with *Eleocharis* spp. Therefore, it is likely there is some seasonal change in the amount of area that would be called palustrine emergent PEM wetland versus palustrine unconsolidated bottom PUB waters of the United States. No features observed on the site would be considered isolated from jurisdictional waters of the United States. All observed features would likely be considered jurisdictional waters, although no determination is considered final without USACE concurrence. Refer to Appendix C for the complete Jurisdictional Waters Determination report.

To minimize impacts to the site, a 580-foot-long, 3-span bridge will be constructed. The bridge deck overhead and the construction activities for the bridge piers will account for 0.41 acre of impact (Table 2).

The following provides a summary of the impacts at each resource.

Pond 1 **Appendix B – Sheet 1.** Construction of the relocated US 68/KY 80 in this section of the project requires shifting the alignment north from the existing road and crossing the southern edge of this pond site. To minimize impacts to the site, a 580-foot-long, 3-span bridge will be constructed to span the site. Approximately **0.17 acre** of this **non-isolated** jurisdictional palustrine unconsolidated bottom pond will be impacted through the construction of bridge piers and the bridge deck overhead from Sta. 971+00 to 974+00. This pond is adjacent to Wetland Sites 1A and 1B, and it is connected to Kentucky Lake through a small inlet along the eastern border of the pond when the lake is at summer pool or above. This area is largely backwater that is not dominated

Section 404 and Section 10 – United States Army Corps of Engineers
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by deep water and shoreline receiving extensive wave action.

Wetland 1A Appendix B – Sheet 1. Construction of the relocated US 68/KY 80 in this section of the project requires shifting the alignment north from the existing road and crossing the southeastern edge of this wetland site. To minimize impacts to the site, a 580-foot-long, 3-span bridge will be constructed to span the site. Approximately **0.02 acre** of this **non-isolated** jurisdictional palustrine forested wetland will be impacted through the construction of bridge piers and the bridge deck overhead from Sta. 971+00 to 974+00. This wetland is adjacent to Pond Site 1 and Wetland Site 1B. The canopy consists primarily of silver maple and black willow; silver maple and American snowbell make up the understory. Toward the western edge of the adjacent Pond 1 site, the vegetative community shifts to a bald cypress and buttonbush dominated area, which is typically found in the backwaters of bays along Kentucky Lake.

Wetland 1B Appendix B – Sheet 1. Construction of the relocated US 68/KY 80 in this section of the project requires shifting the alignment north from the existing road and crossing over nearly this entire wetland site. To minimize impacts to the site, a 580-foot-long, 3-span bridge will be constructed to span the site. Approximately **0.22 acre** of this **non-isolated** jurisdictional palustrine emergent wetland will be impacted through the construction of bridge piers and the bridge deck overhead from Sta. 971+00 to 974+00. This wetland is adjacent to Pond Site 1 and Wetland Site 1A. The emergent wetland area includes some shrubs and trees, such as buttonbush and river birch; however, the predominant vegetation consists of emergent herbaceous species, such as American water willow and spikerush species.

Pavement drainage on the bridge deck over the pond/wetland site will be conveyed to the site below using through-deck drainage inlets. Approximately 5 inlets will be placed along each side of the bridge deck (10 total inlets) to intercept the pavement drainage, which will then flow through the deck inlets directly to the site below the deck. This option was chosen due to maintenance problems associated with under-deck piping systems.

Table 2 - Pond and Wetland Impacts

Site # Feature Name [1] USGS Designation Stream Type	Approx. Location	Total Drainage Area (Acres)	Proposed Action and Structure	Permanent Fill Volume [2] (Cubic Yards)	Impact Area (Acres)	USACE 404 Permit Type [1]	401 WQC Required	RBP Score [1]	Initial Quality Rating	USACE Mitigation Required	KDOW Mitigation Required
Pond 1 U.T. to TN River (KY Lake) Non-USGS Ephemeral	Sta. 971+00 to Sta. 974+00	24.5	Construct 3-span bridge over Pond/Wetland area	0	0.17	NW 14	Yes	NA	NA	No	No
Wetland 1A				0	0.02	NW 14	Yes	NA	NA	No	No
Wetland 1B				1.0	0.22	NW 14	Yes	NA	NA	No	No
Total:					0.41						

[1] U.T. = Unnamed Tributary; NW 14 = Nationwide Permit; RBP = Rapid Bioassessment Protocol

[2] This value represents the volume of permanent displacement due to bridge piers within the wetland limits, between the ground elevation and the normal pool elevation of 359'.

Collins, Roy C (KYTC)

From: Bishop, Bradley N LRN [Bradley.N.Bishop@usace.army.mil]
Sent: Friday, September 28, 2012 4:48 PM
To: Collins, Roy C (KYTC)
Cc: Turley, Tammy LRN; Robinson, Amy M LRN
Subject: eggners ferry bridge (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Roy,
below are typical conditions that would apply to most IPs in the Tennessee River. The general conditions were pulled directly from our permit form. The typical special conditions may vary depending on any public or agency comment. Additionally, there would be a condition or two regarding any mitigation required to offset impacts to loss of aquatic habitat.

Amy informed me I would have a final draft of the PN to review on Monday. I will give it priority.

Brad

Phone: (615) 369-7502

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on _____ . 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 one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Typical Special Conditions (these would vary depending on detailed review and any agency or public comments).

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them.
2. The work must be in accordance with the plans attached to this permit.
3. The work must not interfere with the public's right to free navigation on navigable waters of the U.S.
4. Any excavated material from waters shall be hauled to an off-site location and placed above Elevation 359 (normal summer pool for Kentucky Lake) . The excavated material must be properly stabilized. In addition, proper erosion and sediment controls shall be used around the material to prevent re-entry into the waterway.
5. Any floating plants used in the waterway must display proper lights and signals as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, New Orleans, LA 70130. Telephone (504) 671-2328.
6. Siltation and erosion control methods must be maintained for the life of the project.
7. All temporary fills that may be required shall consist of non-erodible materials. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Temporary fills must be completely removed from the waterway upon completion of the work.
8. That the disturbance to riparian vegetation be kept to a minimum during construction.
9. A preconstruction meeting with you, your contractors, and representatives from this office shall be held prior to any work in the waterway. The contractors shall present their method of operation for the work at this meeting. You should contact this office at least two weeks prior to construction to arrange the required construction meeting.

Classification: UNCLASSIFIED
Caveats: NONE

GENERAL CONDITIONS:

1. Discharges of dredged or fill material into "waters of the U.S." must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site). In determining the minimal impact threshold, the Districts will consider the direct, secondary, and cumulative impacts of the fill or work and any mitigation measures.
2. The permittee shall provide a mitigation/monitoring plan for impacts resulting from the placement of fill into "waters of the U.S." in excess of 300 linear feet of intermittent or perennial stream; the filling of greater than 0.10 acre (4,356 sq. feet) of waters of the U.S; or work causing more than minimal effects, to compensate for impacts to the "waters of the U.S." These impact thresholds are applied for each crossing. When mitigation is required, the permittee will develop the mitigation site concurrently with, or in advance of, the site construction unless the Corps determines on a project specific basis that it is not practical to do so. This will ensure that aquatic functions are not lost for long periods of time (e.g. temporal loss) which could adversely affect water quality and wildlife. The requirement for conservation easements or deed restrictions will be determined on a project specific basis.
3. The permittee shall ensure that sedimentation and soil erosion control measures are in place prior to commencement of construction activities. These measures will remain in place and be properly maintained throughout construction. Sedimentation and soil control measures shall include the installation of straw bale barriers, silt fencing and/or other approved methods to control sedimentation and erosion. Sedimentation and erosion controls will not be placed in "waters of the U.S." except if specifically approved by the District.
4. The permittee shall ensure that areas disturbed by any construction activity, including channel and stream banks, are immediately stabilized and revegetated with a combination of non-invasive plants (grasses, legumes and shrubs) which are compatible with the affected area and will not compete with native vegetation.
5. The permittee shall ensure that no in-stream construction activity is performed during periods of high stream flow or during the fish spawning season (April 1 through June 30) without first contacting the Kentucky Department of Fish and Wildlife Resources (KDFWR) for their expertise on impacts to the fishery resource. Additionally, the discharge of dredged and/or fill material in known waterfowl breeding and wintering areas must be avoided to the maximum extent practicable.
6. The permittee will ensure that the activity authorized will not disrupt movement of those aquatic species indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's specific purpose is to impound water.
7. The permittee shall ensure that all construction equipment is refueled and maintained on an upland site away from existing streams, drainageways and wetland areas. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.

8. The permittee must comply with any case specific special conditions added by the Corps or by the State Section 401 Water Quality Certification (WQC). The conditions imposed in the State Section 401 WQC are also conditions of this LOP.

9. The permittee shall ensure that no activity authorized by the LOP may cause more than a minimal adverse effect on navigation.

10. The permittee shall ensure proper maintenance of any structure or fill authorized by the LOP, in good condition and in conformance with the terms and conditions of the LOP, including maintenance to ensure public safety. The permittee is not relieved of this requirement if the permitted activity is abandoned, although the permittee may make a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized activity or desire to abandon it without a good faith transfer, the permittee must obtain a modification to the LOP from the Corps, which may require restoration of the area.

11. The permittee shall not perform any work within any Wild and Scenic Rivers or in any river officially designated as a "study river" for possible inclusion in the system, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity authorized by the LOP will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal Land Management agency in the area (e.g. U.S. Forest Service, Bureau of Land Management, the National Parks Service, or the U.S. Fish and Wildlife Service).

12. The permittee shall not perform any work under the LOP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. The permittee shall notify the Corps and coordinate the proposed action with the USFWS to determine if any listed species or critical habitat might be affected and/or adversely modified by the proposed work. No activity is authorized under the LOP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. At the direction of the Corps, the permittee shall complete the necessary consultation with the USFWS, satisfying the requirements of Section 7(a)(2) of the Endangered Species Act. The permittee shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Authorization of an activity under the LOP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act.

Obligations under Section 7 of the Act must be reconsidered by the Corps Districts if (1) new information reveals impacts of the proposed action may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during consultation, or (3) new species are listed or critical habitat designated that might be affected

13. The permittee shall not perform any activity under the LOP which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The permittee must notify the District Engineer if the activity authorized by the LOP may affect any historic properties listed, determined to be eligible or which the permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin construction until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the Kentucky Heritage Council.

If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the activity authorized by the LOP, work must be immediately stopped and this office immediately notified regarding the discovery. The District will initiate the Federal, Tribal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

14. The permittee shall not perform any work under the LOP where the discharge of dredged and/or fill material will occur in the proximity of a public water supply intake.

15. No activity, including structures or work in "waters of the U.S." or discharges of dredged or fill material may consist of unsuitable materials (e.g. trash, debris, car bodies, asphalt, etc.) and that materials used for construction or discharge must be free from toxic pollutants in toxic amounts.

16. The permittee shall, to the maximum extent practicable, design the project to maintain pre-construction downstream flow conditions. Furthermore, the work must not permanently restrict or impede the passage of normal or expected high flows and the structure or discharge of fill must withstand expected high flows. The project must provide, to the maximum extent practicable, for retaining excess flows from the site and for establishing flow rates from the site similar to pre-construction conditions.

17. The permittee shall ensure that all temporary fills, authorized under the LOP, be removed in their entirety and the affected areas returned to pre-construction elevation.

18. Representatives from the Corps of Engineers and/or the State of Kentucky may inspect any authorized activity or mitigation site at any time deemed necessary to ensure compliance with the terms and conditions of the LOP, Section 401 WQC, and applicable laws.

19. All work authorized by this LOP must be completed within five years after the date of the Corps authorization letter. If you find you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date.

20. The permittee, after completion of work under the LOP, shall submit a signed certification letter regarding the completed work and required mitigation, if applicable. The certification letter will include a statement that the work was done in accordance with the LOP authorization including compliance with all general and special conditions and completion of mitigation work.

21. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of the LOP.

22. For Section 10 waters, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.