



CALL NO. 400

CONTRACT ID. 215220

LESLIE - HARLAN COUNTIES

FED/STATE PROJECT NUMBER 121GR21D020 - FD04

DESCRIPTION VARIOUS BRIDGES

WORK TYPE BRIDGE REPLACEMENT

PRIMARY COMPLETION DATE 11/30/2023

LETTING DATE: November 19,2021

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 am EASTERN STANDARD TIME November 19,2021. Bids will be publicly announced at 10:00 am EASTERN STANDARD TIME.

PLANS AVAILABLE FOR THIS PROJECT.

REQUIRED BID PROPOSAL GUARANTY: Not less than 5% of the total bid.

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PART I

SCOPE OF WORK

ADMINISTRATIVE DISTRICT - 11

CONTRACT ID - 215220
121GR21D020 - FD04
COUNTY - HARLAN
PCN - BR04801792100
FD04 048 0179 000-001

KY 179 (MP 0.081) ADDRESS DEFICIENCIES OF KY-179 (0.084) BRIDGE OVER FUGETT CREEK (048B00097N) (MP 0.087), A DISTANCE OF 0.01 MILES.ASPHALT SURFACE WITH GRADE & DRAIN SYP NO. 11-10013.00.
GEOGRAPHIC COORDINATES LATITUDE 36:54:43.00 LONGITUDE -83:05:10.00

PCN - BR04811182000
FD04 048 1118 000-001

CR 1118 (MP 0.00) ADDRESS DEFICIENCIES OF STRETCHNECK HOLLOW OVER YOCUM CREEK (048C00023N) (MP 0.02), A DISTANCE OF 0.02 MILES.BRIDGE SUPERSTRUCTURE REHAB SYP NO. 11-10069.00.
GEOGRAPHIC COORDINATES LATITUDE 36:51:03.00 LONGITUDE -83:06:50.00

PCN - BR04812151900
FD04 048 1215 000-001

CR 1215 (MP 0.00) ADDRESS DEFICIENCIES OF CR 1215 BRIDGE OVER MARTINS FK CUMBERLAND RV. 048C00076N (MP 0.02), A DISTANCE OF 0.02 MILES.BRIDGE SUBSTRUCTURE REHAB SYP NO. 11-10055.00.
GEOGRAPHIC COORDINATES LATITUDE 36:42:26.00 LONGITUDE 83:21:27.00

COUNTY - LESLIE

PCN - BR06604061900
FD04 066 0406 000-001

CR 406 (MP .016) ADDRESS DEFICIENCIES OF VIOLET LANE BRIDGE OVER STINNETT CREEK 066C00093N. (MP .004), A DISTANCE OF 0.01 MILES.BRIDGE REPLACEMENT SYP NO. 11-10049.00.
GEOGRAPHIC COORDINATES LATITUDE 37:04:54.00 LONGITUDE 83:25:53.00

PCN - BR06611512100
FD04 066 1151 000-001

RED SAM ROAD (CR 1151) (MP 0.030) REPLACE BRIDGE ON CR-1151 (RED SAM ROAD) OVER GREASY CREEK. (066C00088N) (MP 0.048), A DISTANCE OF 0.02 MILES.BRIDGE REPLACEMENT SYP NO. 11-10067.00.
GEOGRAPHIC COORDINATES LATITUDE 37:04:31.00 LONGITUDE 83:23:24.00

PCN - BR06612102100
FD04 066 1210 000-001

CR 1210 (MP 0.060)
REPLACE BRIDGE ON ASHERS CAMP ROAD (CR 1210) OVER MIDDLE FORK KENTUCKY RIVER. (066C00090N) (MP 0.070), A DISTANCE OF 0.01 MILES.BRIDGE REPLACEMENT SYP NO. 11-10051.00.
GEOGRAPHIC COORDINATES LATITUDE 37:00:52.00 LONGITUDE 83:25:49.00

PCN - BR06612711900
FD04 066 1271 000-001

CR 1271 (MP .015) ADDRESS DEFICIENCIES OF CR-1271 BRIDGE OVER MIDDLE FORK (066C00079N). (MP .025), A DISTANCE OF 0.01 MILES.BRIDGE REPAIR MISCELLANEOUS WORK SYP NO. 11-10104.00.
GEOGRAPHIC COORDINATES LATITUDE 37:00:21.00 LONGITUDE 83:25:53.00

COMPLETION DATE(S):

COMPLETED BY 12/31/2022
COMPLETED BY 11/30/2023

MILESTONE- 3 STRUCTURES MUST
BE COMPLETE AND OPEN TO
TRAFFIC
APPLIES TO ENTIRE PROJECT

CONTRACT NOTES

PROPOSAL ADDENDA

All addenda to this proposal must be applied when calculating bid and certified in the bid packet submitted to the Kentucky Department of Highways. Failure to use the correct and most recent addenda may result in the bid being rejected.

BID SUBMITTAL

Bidder must use the Department's electronic bidding software. The Bidder must download the bid file located on the Bid Express website (www.bidx.com) to prepare a bid packet for submission to the Department. The bidder must submit electronically using Bid Express.

JOINT VENTURE BIDDING

Joint venture bidding is permissible. All companies in the joint venture must be prequalified in one of the work types in the Qualifications for Bidders for the project. The bidders must get a vendor ID for the joint venture from the Division of Construction Procurement and register the joint venture as a bidder on the project. Also, the joint venture must obtain a digital ID from Bid Express to submit a bid. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

UNDERGROUND FACILITY DAMAGE PROTECTION

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. When prescribed in said directives, the contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom shall be contacted through their individual Protection Notification Center. Non-compliance with these directives can result in the enforcement of penalties.

REGISTRATION WITH THE SECRETARY OF STATE BY A FOREIGN ENTITY

Pursuant to KRS 176.085(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#) unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception. Foreign entity is defined within [KRS 14A.1-070](#).

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity's solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

SPECIAL NOTE FOR PROJECT QUESTIONS DURING ADVERTISEMENT

Questions about projects during the advertisement should be submitted in writing to the Division of Construction Procurement. This may be done by fax (502) 564-7299 or email to kytc.projectquestions@ky.gov. The Department will attempt to answer all submitted questions. The Department reserves the right not to answer if the question is not pertinent or does not aid in clarifying the project intent.

The deadline for posting answers will be 3:00 pm Eastern Daylight Time, the day preceding the Letting. Questions may be submitted until this deadline with the understanding that the later a question is submitted, the less likely an answer will be able to be provided.

The questions and answers will be posted for each Letting under the heading "Questions & Answers" on the Construction Procurement website (www.transportation.ky.gov/contract). The answers provided shall be considered part of this Special Note and, in case of a discrepancy, will govern over all other bidding documents.

HARDWOOD REMOVAL RESTRICTIONS

The US Department of Agriculture has imposed a quarantine in Kentucky and several surrounding states, to prevent the spread of an invasive insect, the emerald ash borer. Hardwood cut in conjunction with the project may not be removed from the state. Chipping or burning on site is the preferred method of disposal.

INSTRUCTIONS FOR EXCESS MATERIAL SITES AND BORROW SITES

Identification of excess material sites and borrow sites shall be the responsibility of the Contractor. The Contractor shall be responsible for compliance with all applicable state and federal laws and may wish to consult with the US Fish and Wildlife Service to seek protection under Section 10 of the Endangered Species Act for these activities.

ACCESS TO RECORDS

The contractor, as defined in KRS 45A.030 (9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially

disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c). The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

In the event of a dispute between the contractor and the contracting agency, Attorney General, or the Auditor of Public Accounts over documents that are eligible for production and review, the Finance and Administration Cabinet shall review the dispute and issue a determination, in accordance with Secretary's Order 11-004.

April 30, 2018

SPECIAL NOTE FOR RECIPROCAL PREFERENCE

RECIPROCAL PREFERENCE TO BE GIVEN BY PUBLIC AGENCIES TO RESIDENT BIDDERS

By reference, KRS 45A.490 to 45A.494 are incorporated herein and in compliance regarding the bidders residency. Bidders who want to claim resident bidder status should complete the Affidavit for Claiming Resident Bidder Status along with their bid in the electronic bidding software. Submittal of the Affidavit should be done along the bid in Bid Express.

April 30, 2018

ASPHALT MIXTURE

Unless otherwise noted, the Department estimates the rate of application for all asphalt mixtures to be 110 lbs/sy per inch of depth.

INCIDENTAL SURFACING

The Department has included in the quantities of asphalt mixtures established in the proposal estimated quantities required for resurfacing or surfacing mailbox turnouts, farm field entrances, residential and commercial entrances, curve widening, ramp gores and tapers, and road and street approaches, as applicable. Pave these areas to the limits as shown on Standard Drawing RPM-110-06 or as directed by the Engineer. In the event signal detectors are present in the intersecting streets or roads, pave the crossroads to the right of way limit or back of the signal detector, whichever is the farthest back of the mainline. Surface or resurface these areas as directed by the Engineer. The Department will not measure placing and compacting for separate payment but shall be incidental to the Contract unit price for the asphalt mixtures.

OPTION B

Be advised that the Department will control and accept compaction of asphalt mixtures furnished on this project under OPTION B in accordance with Sections 402 and 403.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10013.00 Harlan 048B00097N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 60 calendar days once work begins to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the lane to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications.

The Engineer will begin charging calendar days for a structure on the day the Contractor begins work, with the exception of placement of signs, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 112.03.15A, when the lane closures are used beyond the allotted number of calendar days. Liquidated Damages will be assessed per the Standard Specification Section 108.09 when the contract time extends beyond the contract date.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10069.00 Harlan 048C00023N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 45 calendar days once the bridge is closed and traffic is on the diversion to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the bridge to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications. Guardrail shall be installed to the satisfaction of the Engineer prior to reopening the bridge to traffic unless prior approval is obtained from the engineer for use of temporary railing.

The Engineer will begin charging calendar days for a structure on the day the Contractor closes the structure to traffic, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the specified completion date is exceeded.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

Maintenance of the diversion must be completed within 24 hours for items that do not adversely affect traffic. In the event of a washout, and access is no longer maintained, the contractor has 4 hours to reopen the roadway to traffic. Failure to meet either the 24 hour requirement or the 4 hour requirement will result in Liquidated Damages being charged at a rate of \$750 per hour beyond the required time specified, once notified. Re-grading of the diversion will be incidental to maintain and control traffic, however additional material if deemed necessary by the Engineer will be paid as specified in the contract.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10055.00 Harlan 048C00076N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 30 calendar days once the bridge is closed and traffic is on the diversion to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the bridge to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications. Guardrail shall be installed to the satisfaction of the Engineer prior to reopening the bridge to traffic unless prior approval is obtained from the engineer for use of temporary railing.

The Engineer will begin charging calendar days for a structure on the day the Contractor closes the structure to traffic, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the specified completion date is exceeded.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

Maintenance of the diversion must be completed within 24 hours for items that do not adversely affect traffic. In the event of a washout, and access is no longer maintained, the contractor has 4 hours to reopen the roadway to traffic. Failure to meet either the 24 hour requirement or the 4 hour requirement will result in Liquidated Damages being charged at a rate of \$750 per hour beyond the required time specified, once notified. Re-grading of the diversion will be incidental to maintain and control traffic, however additional material if deemed necessary by the Engineer will be paid as specified in the contract.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10104.00 Leslie 066C00079N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 90 calendar days once the bridge is closed to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the bridge to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications. Guardrail shall be installed to the satisfaction of the Engineer prior to reopening the bridge to traffic unless prior approval is obtained from the engineer for use of temporary railing.

The Engineer will begin charging calendar days for a structure on the day the Contractor closes the structure to traffic, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the specified completion date is exceeded.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

Any approval of cold weather plans or allowance of construction operations to occur outside Section 606 and/or Section 601 does not alleviate the 90 day maximum bridge closure. In the event the closure lasts longer than 90 calendar days as specified, liquidated damages will apply to all excess days regardless of weather limitations.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10067.00 Leslie 066C00088N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 90 calendar days once work begins to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the lane to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications.

The Engineer will begin charging calendar days for a structure on the day the Contractor begins work, with the exception of placement of signs, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 112.03.15A, when the lane closures are used beyond the allotted number of calendar days. Liquidated Damages will be assessed per the Standard Specification Section 108.09 when the contract time extends beyond the contract date.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10051.00 Leslie 066C00090N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 60 calendar days once the bridge is closed and traffic is on the diversion to complete all work to safely reopen the structure with no lane closures. At a minimum, prior to reopening the bridge to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications. Guardrail shall be installed to the satisfaction of the Engineer prior to reopening the bridge to traffic unless prior approval is obtained from the engineer for use of temporary railing.

The Engineer will begin charging calendar days for a structure on the day the Contractor closes the structure to traffic, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the specified completion date is exceeded.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

Maintenance of the diversion must be completed within 24 hours for items that do not adversely affect traffic. In the event of a washout, and access is no longer maintained, the contractor has 4 hours to reopen the roadway to traffic. Failure to meet either the 24 hour requirement or the 4 hour requirement will result in Liquidated Damages being charged at a rate of \$750 per hour beyond the required time specified, once notified. Re-grading of the diversion will be incidental to maintain and control traffic, however additional material if deemed necessary by the Engineer will be paid as specified in the contract.

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

11-10049.00 Leslie 066C00093N

I. COMPLETION DATE.

Upon Notice to Proceed, the Contractor has the option of selecting the Begin Work date. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work and provide a proposed project schedule. All work is to be completed by the specified contract completion date. The Contractor is allotted 60 calendar days once work begins to complete all work to safely open the new bridge with no lane closures. Pedestrian traffic shall remain on the existing bridge until the new bridge is open to traffic. At a minimum, prior to opening the new bridge to traffic, all strength requirements and curing for materials used shall be completed per Division 600 of the Standard Specifications. Guardrail shall be installed to the satisfaction of the Engineer prior to reopening the bridge to traffic unless prior approval is obtained from the engineer for use of temporary railing.

The Engineer will begin charging calendar days for a structure on the day the Contractor begins work, with the exception of placement of signs, regardless of holidays or seasonal weather limitations.

II. LIQUIDATED DAMAGES.

Liquidated damages will be assessed to the Contractor in accordance with the Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the specified completion date is exceeded.

Contrary to the Standard Specifications, liquidated damages will be assessed to the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge. Contract time will be charged during these months. All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

SPECIAL NOTE
Tree Clearing Restriction

11-10013.00	Harlan	048B00097N	11-10069.00	Harlan	048C00023N
11-10055.00	Harlan	048C00076N	11-10104.00	Leslie	066C00079N
11-10067.00	Leslie	066C00088N	11-10051.00	Leslie	066C00090N
11-10049.00	Leslie	066C00093N			

DUE TO THE RECOVERY PLAN FOR ENDANGERED BATS, NO TREE
CLEARING IS PERMITTED FROM JUNE 1 THROUGH JULY 31.

**If there are any questions regarding this note, please contact Danny Peake,
Director, Division of Environmental Analysis, 200 Mero Street, Frankfort, KY
40601, Phone (502) 564-7250.**

Special Note for Bridge Demolition, Renovation and Asbestos Abatement

If the project includes any bridge demolition or renovation, the successful bidder is required to notify Kentucky Division for Air Quality (KDAQ) via filing of form (DEP 7036) a minimum of 10 working days prior to commencement of any bridge demolition or renovation work.

Any available information regarding possible asbestos containing materials (ACM) on or within bridges to be affected by the project has been included in the bid documents. These are to be included with the Contractor's notification filed with the KDAQ. If not included in the bid documents, the Department will provide that information to the successful bidder for inclusion in the KDAQ notice as soon as possible. If there are no documents stating otherwise, the bidders should assume there are no asbestos containing materials that will in any way affect the work.



Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 3-22-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # I11-05-8973

Project and Structure Identification

ENV_ACM_048B00097N_Harlan_11_10013

Structure ID: 048B00097N

County and Item No: Harlan_11_10013

Structure Location: Ky-179 Over Fugett Creek

Sample Description: No Suspect ACM Observed.

Inspection Date: 2-21-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

DEP 7036

**NOTIFICATION OF ASBESTOS
ABATEMENT/DEMOLITION/RENOVATION**
(Instructions for completing form on back)

File this form with Regional Office where project will be performed

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF

INITIAL SUBMITTAL DATE

REVISION DATE

NOTIFICATION #

OFFICE USE ONLY

ID #

LOG #

Contractor

Address

City

State

Zip

Phone

Contact Person

Owner

Address

City

State

Zip

Phone

Contact Person

Project Location

Address

City

State

Zip

Facility Age (yrs.)

Size of Facility or Affected Part (sq.ft.)

#Floors Affected

Present and Prior Use of Facility

TYPE OF PROJECT (CHECK ONLY ONE):

Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:

Start Removal

End Removal

Start Renovation/Demolition

End Renovation/Demolition

Amount of ACM to be Removed:			
	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

Description of planned renovation/demolition, including abatement methods & demo/reno methods.

Description of affected facility components

Asbestos detection technique

Amount of Cat. I & II nonfriable ACM involved but will not be removed:

Describe physical characteristics that make it nonfriable and methods to keep it nonfriable (optional):

Describe contingency plan should nonfriable ACM become friable or additional ACM be uncovered during renovation/ demolition:

Transporter

Address

City

State

Zip

Phone

Disposal Site

Address

City

State

Zip

I hereby certify that at least one person trained as required by 40 CFR 61.145(c)(8) will supervise the abatement work described herein. (optional for strictly non-friable work)

Submitted by:

Company Name:

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

Filing Deadline: This form must be completed and filed with the Kentucky Division for Air Quality at least ten (10) working days before starting any asbestos removal, demolition, or other work which will disturb asbestos-containing material (ACM) in Kentucky facilities outside Jefferson County and in schools statewide, including Jefferson County. File with appropriate Regional Office.

Renotification: If developments occur that invalidate information on a notification (e.g., changes in dates, amounts, locations), file a revised form within the time frames specified in 401 KAR 58:025. Notifications may be numbered in the top-left corner (optional). First two digits are project year; remaining digits are project number (e.g., the first project in 1999 is 99-1).

Attachments: Attachments may be included to provide additional information, propose alternative procedures, declare nonfriable removal, identify secondary transporters, etc.

Line-by-Line Instructions:

Contractor/Owner: the asbestos remover (or, for zero-asbestos demolitions, the demolition contractor). The owner is the entity having the work done.
Project Location: The location at the address given where the work is taking place (e.g., which building/floor/room?).

Present/Prior Use: Enter the present and prior use(s) of the facility.

Type of Project: Each choice shown in this category has a specific description under 401 KAR 58:025:

Emergency renovations result from a sudden, unexpected event. If the project is an emergency renovation, attach a detailed description of the sudden, unexpected event that necessitated removal. Include the exact date and hour the event occurred and explain how the event caused an unsafe condition, or would cause equipment damage or unreasonable financial burden.

Planned renovations are renovations that do not qualify as emergency renovations.

A long-term notification is a type of planned renovation which involves a number of nonscheduled small-scale removals whose annual total exceeds the NESHAP threshold amounts and can be estimated based on past years' experience. File yearly estimate at least 10 working days before the beginning of the calendar year for which a long-term notification is being given.

Demolitions involve the wrecking or taking out of a load-supporting structural member, such as a load-bearing beam or wall. Tearing down a structure, dismantling it piecemeal, and moving it from one place to another are all considered demolitions.

Ordered demolitions must result from a demolition order issued by a government agency because the building is structurally unsound and in danger of imminent collapse. For ordered demolitions, attach to the notification a signed, dated copy of order that includes demolition deadlines and name/title/authority of the government representative issuing the order.

Project Dates: Schedules must be precise and accurate. The "start removal" date is the date the removers arrive on-site and begin physically preparing the work area for removal. "End removal" is the date the removers dismantle the work area after cleaning and clearing it. If circumstances arise that invalidate previously submitted start dates, a revised notification must be submitted showing the updated, correct start date. If the start date has been moved up, submit written renotification at least ten working days before the new start date. If the start date has been moved back, telephone the Division as soon as possible before the original date and submit written renotification no later than the original start date.

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Description of project: Describe the demolition or renovation work to be performed and method(s) to be used, including work practices and engineering controls to be used.

Asbestos Detection Technique: Give a general description of the asbestos survey, for example, "AHERA-style survey by accredited inspector; samples analyzed by PLM."

Amount of nonfriable ...: If all nonfriable ACM will be properly removed, enter "NA."

Contingency Plans: If Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder, or if additional RACM is discovered, describe procedures to be followed. For example, "Move demolition activity away from ACM immediately; remove the ACM using regulation-required procedures." Even "Stop work, call Division for Air Quality" is OK.



Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 6-21-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

PSE_ACM_048C00023N_Harlan_11-10069_LEE_6-21-2019

Structure ID: 048C00023N

County and Item No: Harlan_11-10069

Structure Location: Stretchneck Hollow Over Yocum Creek

Sample Description: No Suspect ACM Observed.

Inspection Date: 5-10-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

(Instructions for completing form on back)

File this form with Regional Office where project will be performed

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF
INITIAL SUBMITTAL DATE
REVISION DATE
NOTIFICATION #

OFFICE USE ONLY

ID #

LOG #

Contractor _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____
Owner _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____

Project Location _____
 Address _____
 City _____ State _____ Zip _____

Facility Age (yrs.) _____ Size of Facility or Affected Part (sq.ft.) _____
 #Floors Affected _____ Present and Prior Use of Facility _____

TYPE OF PROJECT (CHECK ONLY ONE):
 Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

TYPE OF PROJECT (CHECK ONLY ONE):

Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:

Start Removal	End Removal
Start Renovation/Demolition	End Renovation/Demolition

Amount of ACM to be Removed:

	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

Filing Deadline: This form must be completed and filed with the Kentucky Division for Air Quality at least ten (10) working days before starting any asbestos removal, demolition, or other work which will disturb asbestos-containing material (ACM) in Kentucky facilities outside Jefferson County and in schools statewide, including Jefferson County. File with appropriate Regional Office.

Renotification: If developments occur that invalidate information on a notification (e.g., changes in dates, amounts, locations), file a revised form within the time frames specified in 401 KAR 58:025. Notifications may be numbered in the top-left corner (optional). First two digits are project year; remaining digits are project number (e.g., the first project in 1999 is 99-1).

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Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 7-19-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

PSE_ACM_048C00076N_Harlan_11-10055_LEE_7-19-2019

Structure ID: 048C00076N

County and Item No: Harlan_11-10055

Structure Location: Kelly Smith Road over Martins Fork of Cumberland River

Sample Description: No Suspect ACM Observed.

Inspection Date: 5-16-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

DEP 7036

**NOTIFICATION OF ASBESTOS
ABATEMENT/DEMOLITION/RENOVATION**
(Instructions for completing form on back)

File this form with *Regional Office where project will be performed*

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF

INITIAL SUBMITTAL DATE

REVISION DATE

NOTIFICATION #

OFFICE USE ONLY

ID #

LOG #

Contractor

Address

City

State

Zip

Phone

Contact Person

Owner

Address

City

State

Zip

Phone

Contact Person

Project Location

Address

City

State

Zip

Facility Age (yrs.)

Size of Facility or Affected Part (sq.ft.)

#Floors Affected

Present and Prior Use of Facility

TYPE OF PROJECT (CHECK ONLY ONE):

Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:

Start Removal

End Removal

Start Renovation/Demolition

End Renovation/Demolition

Amount of ACM to be Removed:

	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

Description of planned renovation/demolition, including abatement methods
& demo/reno methods.

Description of affected facility components

Asbestos detection technique

Amount of Cat. I & II nonfriable ACM involved but will not be removed:

Describe **physical characteristics** that make it nonfriable and **methods**
to keep it nonfriable (optional):

Describe **contingency plan** should nonfriable ACM become friable or
additional ACM be uncovered during renovation/ demolition:

Transporter

Address

City

State

Zip

Phone

Disposal Site

Address

City

State

Zip

I hereby certify that at least one person trained as required by 40 CFR
61.145(c)(8) will supervise the abatement work described herein. (optional
for strictly non-friable work)

Submitted by:

Company Name:

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

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Line-by-Line Instructions:

Contractor/Owner: the asbestos remover (or, for zero-asbestos demolitions, the demolition contractor). The owner is the entity having the work done.
Project Location: The location at the address given where the work is taking place (e.g., which building/floor/room?).

Present/Prior Use: Enter the present and prior use(s) of the facility.

Type of Project: Each choice shown in this category has a specific description under 401 KAR 58:025:

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Description of project: Describe the demolition or renovation work to be performed and method(s) to be used, including work practices and engineering controls to be used.

Asbestos Detection Technique: Give a general description of the asbestos survey, for example, "AHERA-style survey by accredited inspector; samples analyzed by PLM."

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Contingency Plans: If Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder, or if additional RACM is discovered, describe procedures to be followed. For example, "Move demolition activity away from ACM immediately; remove the ACM using regulation-required procedures." Even "Stop work, call Division for Air Quality" is OK.



Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 5-21-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

PSE_ACM_066C00079N_Leslie_11-10104_LEE_6-21-2019

Structure ID: 066C00079N

County and Item No: Leslie_11-10104

Structure Location: Cr-1271 Over Middle Fork

Sample Description: No Suspect ACM Observed.

Inspection Date: 5-17-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

DEP 7036

**NOTIFICATION OF ASBESTOS
ABATEMENT/DEMOLITION/RENOVATION**
(Instructions for completing form on back)

File this form with Regional Office where project will be performed

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF

INITIAL SUBMITTAL DATE

REVISION DATE

NOTIFICATION #

OFFICE USE ONLY

ID #

LOG #

Contractor

Address

City

State

Zip

Phone

Contact Person

Owner

Address

City

State

Zip

Phone

Contact Person

Project Location

Address

City

State

Zip

Facility Age (yrs.)

Size of Facility or Affected Part (sq.ft.)

#Floors Affected

Present and Prior Use of Facility

TYPE OF PROJECT (CHECK ONLY ONE):

Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:

Start Removal

End Removal

Start Renovation/Demolition

End Renovation/Demolition

Amount of ACM to be Removed:

	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

Description of planned renovation/demolition, including abatement methods
& demo/reno methods.

Description of affected facility components

Asbestos detection technique

Amount of Cat. I & II nonfriable ACM involved but will not be removed:

Describe physical characteristics that make it nonfriable and methods
to keep it nonfriable (optional):

Describe contingency plan should nonfriable ACM become friable or
additional ACM be uncovered during renovation/ demolition:

Transporter

Address

City

State

Zip

Phone

Disposal Site

Address

City

State

Zip

I hereby certify that at least one person trained as required by 40 CFR
61.145(c)(8) will supervise the abatement work described herein. (optional
for strictly non-friable work)

Submitted by:

Company Name:

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

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Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 01-09-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

PSE_ACM_066C00088N_Leslie_11-10067_LEE_01-09-2020

Structure ID: 066C00088N (37.07553,-83.39012)

County and Item No: _Leslie_11-10067

Structure Location: Cr 1151 Red Sam Road over Greasy Creek

Sample Description: No Suspect ACM Observed.

Inspection Date: 01-06-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

DEP 7036

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ABATEMENT/DEMOLITION/RENOVATION**
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Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF
INITIAL SUBMITTAL DATE
REVISION DATE
NOTIFICATION #

OFFICE USE ONLY
ID #
LOG #

Contractor _____
Address _____
City _____ State _____ Zip _____
Phone _____ Contact Person _____
Owner _____
Address _____
City _____ State _____ Zip _____
Phone _____ Contact Person _____
Project Location _____
Address _____
City _____ State _____ Zip _____
Facility Age (yrs.) _____ Size of Facility or Affected Part (sq.ft.) _____
#Floors Affected _____ Present and Prior Use of Facility _____

TYPE OF PROJECT (CHECK ONLY ONE):
Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:
Start Removal _____ End Removal _____
Start Renovation/Demolition _____ End Renovation/Demolition _____

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	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

Description of planned renovation/demolition, including abatement methods
& demo/reno methods. _____

Description of affected facility components _____

Asbestos detection technique _____
Amount of Cat. I & II nonfriable ACM involved but will not be removed: _____

Describe **physical characteristics** that make it nonfriable and **methods**
to keep it nonfriable (optional): _____

Describe **contingency plan** should nonfriable ACM become friable or
additional ACM be uncovered during renovation/ demolition: _____

Transporter _____
Address _____
City _____ State _____ Zip _____
Phone _____
Disposal Site _____
Address _____
City _____ State _____ Zip _____
I hereby certify that at least one person trained as required by 40 CFR
61.145(c)(8) will supervise the abatement work described herein. (optional
for strictly non-friable work)
Submitted by: _____
Company Name: _____

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Project Dates: Schedules must be precise and accurate. The "start removal" date is the date the removers arrive on-site and begin physically preparing the work area for removal. "End removal" is the date the removers dismantle the work area after cleaning and clearing it. If circumstances arise that invalidate previously submitted start dates, a revised notification must be submitted showing the updated, correct start date. If the start date has been moved up, submit written renotification at least ten working days before the new start date. If the start date has been moved back, telephone the Division as soon as possible before the original date and submit written renotification no later than the original start date.

Schedules for renovation and demolition (next line after removal schedule) are handled similarly, except that renotification is required only for schedule changes involving demolitions, not renovations.

Amount of ACM: In this table, enter the amount and type (RACM, Category I, and/or Category II) of asbestos that will be removed. Although the regulation does not require you to identify the amount of nonfriable ACM that will be removed, the table provides space for nonfriable ACM to accommodate those notifiers who choose to document these removals.

Description of project: Describe the demolition or renovation work to be performed and method(s) to be used, including work practices and engineering controls to be used.

Asbestos Detection Technique: Give a general description of the asbestos survey, for example, "AHERA-style survey by accredited inspector; samples analyzed by PLM."

Amount of nonfriable ...: If all nonfriable ACM will be properly removed, enter "NA."

Contingency Plans: If Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder, or if additional RACM is discovered, describe procedures to be followed. For example, "Move demolition activity away from ACM immediately; remove the ACM using regulation-required procedures." Even "Stop work, call Division for Air Quality" is OK.



Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 7-19-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

066C00090N_Leslie_11-10051

Structure ID: 066C00090N

County and Item No: Leslie_11-10051

Structure Location: Cr-1210 Over _Middle Fork

Sample Description: No Suspect ACM Observed.

Inspection Date: 7-8-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

(Instructions for completing form on back)

File this form with Regional Office where project will be performed

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF
INITIAL SUBMITTAL DATE
REVISION DATE
NOTIFICATION #

OFFICE USE ONLY

ID #

LOG #

Contractor _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____
Owner _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____

Project Location _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____

Facility Age (yrs.) _____ Size of Facility or Affected Part (sq.ft.) _____
 #Floors Affected _____ Present and Prior Use of Facility _____

TYPE OF PROJECT (CHECK ONLY ONE):
 Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

TYPE OF PROJECT (CHECK ONLY ONE):

Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

PROJECT DATES:

Start Removal	End Removal
Start Renovation/Demolition	End Renovation/Demolition

Amount of ACM to be Removed:

	Regulated ACM (FACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

Filing Deadline: This form must be completed and filed with the Kentucky Division for Air Quality at least ten (10) working days before starting any asbestos removal, demolition, or other work which will disturb asbestos-containing material (ACM) in Kentucky facilities outside Jefferson County and in schools statewide, including Jefferson County. File with appropriate Regional Office.

Renotification: If developments occur that invalidate information on a notification (e.g., changes in dates, amounts, locations), file a revised form within the time frames specified in 401 KAR 58:025. Notifications may be numbered in the top-left corner (optional). First two digits are project year; remaining digits are project number (e.g., the first project in 1999 is 99-1).

Attachments: Attachments may be included to provide additional information, propose alternative procedures, declare nonfriable removal, identify secondary transporters, etc.

Line-by-Line Instructions:

Contractor/Owner: the contractor is the asbestos remover (or, for zero-asbestos demolitions, the demolition contractor). The owner is the entity having the work done.
Project Location: The location at the address given where the work is taking place (e.g., which building/floor/room?).

Present/Prior Use: Enter the present and prior use(s) of the facility.

Type of Project: Each choice shown in this category has a specific description under 401 KAR 58:025:

Emergency renovations result from a sudden, unexpected event. If the project is an emergency renovation, attach a detailed description of the sudden, unexpected event that necessitated removal. Include the exact date and hour the event occurred and explain how the event caused an unsafe condition, or would cause equipment damage or unreasonable financial burden.

Planned renovations are renovations that do not qualify as emergency renovations.

A long-term notification is a type of planned renovation which involves a number of nonscheduled small-scale removals whose annual total exceeds the NESHAP threshold amounts and can be estimated based on past years' experience. File yearly estimate at least 10 working days before the beginning of the calendar year for which a long-term notification is being given.

Demolitions involve the wrecking or taking out of a load-supporting structural member, such as a load-bearing beam or wall. Tearing down a structure, dismantling it piecemeal, and moving it from one place to another are all considered demolitions.

Ordered demolitions must result from a demolition order issued by a government agency because the building is structurally unsound and in danger of imminent collapse. For ordered demolitions, attach to the notification a signed, dated copy of order that includes demolition deadlines and name/title/authority of the government representative issuing the order.

Project Dates: Schedules must be precise and accurate. The "start removal" date is the date the removers arrive on-site and begin physically preparing the work area for removal. "End removal" is the date the removers dismantle the work area after cleaning and clearing it. If circumstances arise that invalidate previously submitted start dates, a revised notification must be submitted showing the updated, correct start date. If the start date has been moved up, submit written renotification at least ten working days before the new start date. If the start date has been moved back, telephone the Division as soon as possible before the original date and submit written renotification no later than the original start date.

Schedules for renovation and demolition (next line after removal schedule) are handled similarly, except that renotification is required only for schedule changes involving demolitions, not renovations.

Amount of ACM: In this table, enter the amount and type (RACM, Category I, and/or Category II) of asbestos that will be removed. Although the regulation does not require you to identify the amount of nonfriable ACM that will be removed, the table provides space for nonfriable ACM to accommodate those notifiers who choose to document these removals.

Description of project: Describe the demolition or renovation work to be performed and method(s) to be used, including work practices and engineering controls to be used.

Asbestos Detection Technique: Give a general description of the asbestos survey, for example, "AHERA-style survey by accredited inspector; samples analyzed by PLM."

Amount of nonfriable ...: If all nonfriable ACM will be properly removed, enter "NA."

Contingency Plans: If Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder, or if additional RACM is discovered, describe procedures to be followed. For example, "Move demolition activity away from ACM immediately; remove the ACM using regulation-required procedures." Even "Stop work, call Division for Air Quality" is OK.



Asbestos Inspection Report

To: Tom Springer, QK4, Inc.

Date: 7-19-2019

Conducted By: Jeffrey Lee, Lee Engineering, llc
Kentucky Accredited Asbestos Inspector # 59640

Project and Structure Identification

066C00093N_Leslie_11-10049

Structure ID: 066C00093N

County and Item No: Leslie_11-10049

Structure Location: Violet Lane over Stinnett Creek

Sample Description: No Suspect ACM Observed.

Inspection Date: 7-8-2019

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing materials (ACM) were observed.

NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

(Instructions for completing form on back)

File this form with Regional Office where project will be performed

Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601

PAGE 1 OF
INITIAL SUBMITTAL DATE
REVISION DATE
NOTIFICATION #

OFFICE USE ONLY

Contractor _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____
Owner _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____

Project Location _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Contact Person _____

Facility Age (yrs.) _____ Size of Facility or Affected Part (sq.ft.) _____
 #Floors Affected _____ Present and Prior Use of Facility _____

TYPE OF PROJECT (CHECK ONLY ONE):
 Renovation ☐ Demolition ☐ Ordered Demolition ☐ Emergency ☐ Long-term ☐

TYPE OF PROJECT (CHECK ONLY ONE):

☐ Renovation
 ☐ Demolition
 ☐ Ordered Demolition
 ☐ Emergency
 ☐ Long-term

PROJECT DATES:

Start Removal	End Removal
Start Renovation/Demolition	End Renovation/Demolition

Amount of ACM to be Removed:

	Regulated ACM (RACM)	Category II nonfriable ACM (optional)	Category I nonfriable ACM (optional)
Linear Feet			
Square Feet			
Cubic Feet			

INSTRUCTIONS FOR COMPLETING FORM DEP7036: NOTIFICATION OF ASBESTOS ABATEMENT/DEMOLITION/RENOVATION

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Description of project: Describe the demolition or renovation work to be performed and method(s) to be used, including work practices and engineering controls to be used.

Asbestos Detection Technique: Give a general description of the asbestos survey, for example, "AHERA-style survey by accredited inspector; samples analyzed by PLM."

Amount of nonfriable ...: If all nonfriable ACM will be properly removed, enter "NA."

Contingency Plans: If Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder, or if additional RACM is discovered, describe procedures to be followed. For example, "Move demolition activity away from ACM immediately; remove the ACM using regulation-required procedures." Even "Stop work, call Division for Air Quality" is OK.



KENTUCKY TRANSPORTATION CABINET

Department of Highways

DIVISION OF RIGHT OF WAY & UTILITIES

RIGHT OF WAY CERTIFICATION

TC 62-226

Rev. 01/2016

Page 1 of 1

☒ Original	☐ Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #	COUNTY	PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10049	Leslie	1100 FD04 121 9414001R	
PROJECT DESCRIPTION			
Bridging Kentucky - 066C00093N - Violet Lane over Stinnett Creek (replacement)			
☐ No Additional Right of Way Required			
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.			
☒ Condition # 1 (Additional Right of Way Required and Cleared)			
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.			
☐ Condition # 2 (Additional Right of Way Required with Exception)			
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract			
☐ Condition # 3 (Additional Right of Way Required with Exception)			
The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.			
Total Number of Parcels on Project	1	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired			
Signed Deed	1		
Condemnation	0		
Signed ROE	0		
Notes/ Comments (Use Additional Sheet if necessary)			
Acquisition complete			
LPA RW Project Manager		Right of Way Supervisor	
Printed Name		Printed Name	Mark Askin, PE
Signature		Signature	
Date		Date	04/07/20
Right of Way Director		FHWA	
Printed Name	Dean M. Loy	Printed Name	
Signature		Signature	
Date	2020.04.07 13:29:01 -04'00'	Date	

	KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF RIGHT OF WAY & UTILITIES RIGHT OF WAY CERTIFICATION	TC 62-226 Rev. 01/2016 Page 1 of 1
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☒	Original	☐	Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #		COUNTY		PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10055		Harlan		1100 FD04 121 9414001R	
PROJECT DESCRIPTION					
Bridging Kentucky - 048C00076N - Kelly Smith Road over Martins Fork Cumberland River (rehab.)					
☐ No Additional Right of Way Required Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.					
☒ Condition # 1 (Additional Right of Way Required and Cleared) All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.					
☐ Condition # 2 (Additional Right of Way Required with Exception) The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract					
☐ Condition # 3 (Additional Right of Way Required with Exception) The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.					
Total Number of Parcels on Project		2	EXCEPTION (S) Parcel #		ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired					
Signed Deed		2			
Condemnation		0			
Signed ROE		0			
Notes/ Comments (Use Additional Sheet if necessary)					
Acquisition complete					
LPA RW Project Manager			Right of Way Supervisor		
Printed Name			Printed Name	Mark Askin, PE	
Signature			Signature	Askin,	
Date			Date	01/03/2020	
Right of Way Director			FHWA		
Printed Name	Dean M. Loy		Printed Name		
Signature	DM Loy		Signature		
Date			Date		

Digitally signed by Askin, Mark
DN: cn=Askin, Mark, o=US,
o=Strand Associates, Inc.,
ou=Louisville
email=mark.askin@strand.com
Date: 2020.01.03 08:53:15 -0500

Digitally signed by DM Loy
Date: 2020.01.03 09:19:25
-05'00'

	KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF RIGHT OF WAY & UTILITIES RIGHT OF WAY CERTIFICATION	TC 62-226 Rev. 01/2016 Page 1 of 1
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☒	Original	☐	Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #		COUNTY		PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10069		Harlan		1100 FD04 121 9414001R	
PROJECT DESCRIPTION					
Bridging Kentucky - 048C00023N - Stretchneck Hollow over Yocum Creek (rehab.)					
☐ No Additional Right of Way Required					
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.					
☒ Condition # 1 (Additional Right of Way Required and Cleared)					
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.					
☐ Condition # 2 (Additional Right of Way Required with Exception)					
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract					
☐ Condition # 3 (Additional Right of Way Required with Exception)					
The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.					
Total Number of Parcels on Project		1	EXCEPTION (S) Parcel #		ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired					
Signed Deed		0			
Condemnation		1			
Signed ROE		1			
Notes/ Comments (Use Additional Sheet if necessary)					
Acquisition complete					
LPA RW Project Manager			Right of Way Supervisor		
Printed Name			Printed Name		
			Mark Askin, PE		
Signature			Signature		
			Askin, Mark		
Date			Date		
			09/16/20		
Right of Way Director			FHWA		
Printed Name			Printed Name		
Dean M. Loy					
Signature			Signature		
DM Loy					
Date			Date		



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF RIGHT OF WAY & UTILITIES

RIGHT OF WAY CERTIFICATION

TC 62-226
Rev. 01/2016
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☒ Original	☐ Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #	COUNTY	PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10104	Leslie	1100 FD04 121 9414001R	
PROJECT DESCRIPTION			
Bridging Kentucky - 066C00079N - CR 1271 over Middle Fork (rehab.)			
☒ No Additional Right of Way Required			
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.			
☐ Condition # 1 (Additional Right of Way Required and Cleared)			
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.			
☐ Condition # 2 (Additional Right of Way Required with Exception)			
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract			
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Total Number of Parcels on Project	0	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired			
Signed Deed	0		
Condemnation	0		
Signed ROE	0		
Notes/ Comments (Use Additional Sheet if necessary) Acquisition complete			
LPA RW Project Manager		Right of Way Supervisor	
Printed Name		Printed Name	Mark Askin, PE
Signature		Signature	Askin, Mark
Date		Date	01/03/2020
Right of Way Director		FHWA	
Printed Name	Dean M. Loy	Printed Name	
Signature	DM Loy	Signature	
Date		Date	



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF RIGHT OF WAY & UTILITIES

TC 62-226
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Page 1 of 1

RIGHT OF WAY CERTIFICATION

☒	Original	☐	Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #		COUNTY		PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10013		Harlan		1100 FD04 121 9414002R	
PROJECT DESCRIPTION					
Bridging Kentucky - 048B00097N - KY 179 over Fugett Creek (replacement)					
☐	No Additional Right of Way Required				
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.					
☒	Condition # 1 (Additional Right of Way Required and Cleared)				
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.					
☐	Condition # 2 (Additional Right of Way Required with Exception)				
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract					
☐	Condition # 3 (Additional Right of Way Required with Exception)				
The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.					
Total Number of Parcels on Project		2	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION	
Number of Parcels That Have Been Acquired					
Signed Deed		1			
Condemnation		1			
Signed ROE		1			
Notes/ Comments (Use Additional Sheet if necessary)					
LPA RW Project Manager			Right of Way Supervisor		
Printed Name			Printed Name		Mark Askin, PE
Signature			Signature		Mark Askin
Date			Date		10/05/21
Right of Way Director			FHWA		
Printed Name		Dean M. Loy		Printed Name	
Signature		DM Loy		Signature	
Date				Date	



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF RIGHT OF WAY & UTILITIES

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RIGHT OF WAY CERTIFICATION

☒	Original	☐	Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #		COUNTY		PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10051		Leslie		1100 FD04 121 9414002R	
PROJECT DESCRIPTION					
Bridging Kentucky - 066C00090N - CR 1210 over Middle Fork (replacement)					
☐	No Additional Right of Way Required				
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.					
☒	Condition # 1 (Additional Right of Way Required and Cleared)				
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.					
☐	Condition # 2 (Additional Right of Way Required with Exception)				
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract					
☐	Condition # 3 (Additional Right of Way Required with Exception)				
The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.					
Total Number of Parcels on Project		3	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION	
Number of Parcels That Have Been Acquired					
Signed Deed		2			
Condemnation		1			
Signed ROE		1			
Notes/ Comments (Use Additional Sheet if necessary)					
LPA RW Project Manager			Right of Way Supervisor		
Printed Name				Printed Name	
Signature				Signature	
Date				Date	
Right of Way Director			FHWA		
Printed Name		Dean M. Loy		Printed Name	
Signature		DM Loy		Signature	
Date				Date	



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF RIGHT OF WAY & UTILITIES

RIGHT OF WAY CERTIFICATION

TC 62-226
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☒ Original	☐ Re-Certification	RIGHT OF WAY CERTIFICATION	
ITEM #	COUNTY	PROJECT # (STATE)	PROJECT # (FEDERAL)
11-10067	Leslie	1100 FD04 121 9414002R	
PROJECT DESCRIPTION			
Bridging Kentucky - 066C00088N - CR 1151 Red Sam Road over Greasy Creek (replacement)			
☐ No Additional Right of Way Required			
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.			
☒ Condition # 1 (Additional Right of Way Required and Cleared)			
All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.			
☐ Condition # 2 (Additional Right of Way Required with Exception)			
The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract			
☐ Condition # 3 (Additional Right of Way Required with Exception)			
The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.			
Total Number of Parcels on Project	2	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired			
Signed Deed	1		
Condemnation	1		
Signed ROE	1		
Notes/ Comments (Use Additional Sheet if necessary)			
LPA RW Project Manager		Right of Way Supervisor	
Printed Name		Printed Name	Mark Askin, PE
Signature		Signature	
Date		Date	10/05/21
Right of Way Director		FHWA	
Printed Name	Dean M. Loy	Printed Name	
Signature		Signature	
Date		Date	

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.081 TO 0.087 ADDRESS DEFICIENCIES OF KY-179 BRIDGE OVER FUGETT CREEK. (048B00097N) ITEM NUMBER: 11-10013.00

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.

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

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.081 TO 0.087 ADDRESS DEFICIENCIES OF KY-179 BRIDGE OVER FUGETT CREEK. (048B00097N) ITEM NUMBER: 11-10013.00
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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

- Windstream Communications LLC – Telephone
- Black Mountain Utility District – Water. Waterline located on the north side and adjacent to KY 38. Contractor is responsible to avoid waterline during construction activities. Care should be taken to locate the line and take proper measures to avoid impacts.
- Kentucky Utilities - Electric Distrib

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

Not Applicable

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.081 TO 0.087 ADDRESS DEFICIENCIES OF KY-179 BRIDGE OVER FUGETT CREEK. (048B00097N) ITEM NUMBER: 11-10013.00
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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

Not Applicable

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

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒ No Rail Involvement ☐ Rail Involved ☐ Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.081 TO 0.087 ADDRESS DEFICIENCIES OF KY-179 BRIDGE OVER FUGETT CREEK. (048B00097N) ITEM NUMBER: 11-10013.00
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AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Black Mountain Utility District - Water	609 Fourmile Rd. Baxter KY 40873	Ray Metcalf	6065731277	blackmt@harlanonline.net
Kentucky Utilities - Electric Distrib	820 W. Broadway Louisville KY 40202	Caroline Justice	5026273708	Caroline.Justice@lge-ku.com
Windstream Communications LLC - Telephone	719 North Main Street London KY 40741	Bryan Reed	6063098438	Bryan.Reed@windstream.com

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County
FD04 048 94140 01U

Mile point: .01

ADDRESS DEFICIENCIES OF bridge on Stretchneck Hollow Rd. over Yocum Cr. (048C00023N)

ITEM NUMBER: 11-10069

PROJECT NOTES ON UTILITIES

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.

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.

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 048 94140 01U Mile point: .01 ADDRESS DEFICIENCIES OF bridge on Stretchneck Hollow Rd. over Yocum Cr. (048C00023N) ITEM NUMBER: 11-10069
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NOTE: DO NOT DISTURB THE FOLLOWING FACILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS

Black Mtn. Water- waterline on west side of the bridge. Contractor will avoid impact to waterline during construction of Diversion

Kentucky Utilities has lines and guy wire in proximity. Contractor will avoid lines and guy wire during construction.

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

Not Applicable

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

Not Applicable

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 048 94140 01U Mile point: .01 ADDRESS DEFICIENCIES OF bridge on Stretchneck Hollow Rd. over Yocum Cr. (048C00023N) ITEM NUMBER: 11-10069

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

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒ No Rail Involvement ☐ Rail Involved ☐ Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 048 94140 01U Mile point: .01 ADDRESS DEFICIENCIES OF bridge on Stretchneck Hollow Rd. over Yocum Cr. (048C00023N) ITEM NUMBER: 11-10069
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AREA FACILITY OWNER CONTACT LIST

Black Mountain Utility District
609 Fourmile Rd.
Baxter, KY 40873
Ray Metcalf
(606) 573 1277
blackmt@harlanonline.net

KU
48 KU Drive
P.O.Box 87
Fourmile KY 40939
606-337-0303
Michael.Daugherty@lge-ku.com

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County
FD04 121 9414001U
Mile point: 0.010 TO 0.012
ADDRESS DEFICIENCIES OF CR-1215 BRIDGE OVER MARTINS FORK (048C00076N)
ITEM NUMBER: 11-10055.00

PROJECT NOTES ON UTILITIES

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.

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.

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.010 TO 0.012 ADDRESS DEFICIENCIES OF CR-1215 BRIDGE OVER MARTINS FORK (048C00076N) ITEM NUMBER: 11-10055.00
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NOTE: DO NOT DISTURB THE FOLLOWING FACILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒No Rail Involvement ☐Rail Involved ☐Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Harlan County FD04 121 9414001U Mile point: 0.010 TO 0.012 ADDRESS DEFICIENCIES OF CR-1215 BRIDGE OVER MARTINS FORK (048C00076N) ITEM NUMBER: 11-10055.00
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AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Cawood Water District - Water	PO Box 429 Cawood, KY 40815	Grant Cooper	6065733744	cawoodwater@yahoo.com

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
Mile point: 0.01
CR-1271 - BRIDGE OVER Middle. (066C00079N.)
ITEM NUMBER: 11-10104

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PROJECT NOTES ON UTILITIES

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

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

- Kentucky Power Co. AEP (Electric)
- TDS (telecommunication)
- Hyden-Leslie County (Water)

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

Not Applicable

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
Mile point: 0.01
CR-1271 - BRIDGE OVER Middle. (066C00079N.)
ITEM NUMBER: 11-10104

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

Not Applicable

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

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒No Rail Involvement ☐Rail Involved ☐Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
Mile point: 0.01
CR-1271 - BRIDGE OVER Middle. (066C00079N.)
ITEM NUMBER: 11-10104

AREA FACILITY OWNER CONTACT LIST

COMPANY NAME	CONTACT	PHONE NUMBER		ADDRESS
Kentucky Power Co. AEP (Electric)	Ellis McKnight	C	(606) 438-0423	1400 E. Main St. Hazard, KY 41701
TDS (telecommunication)	James Whitaker	C	(606) 524-0024	P.O. Box 969 Hyden, KY 41749
Hyden-Leslie County (Water)	LJ Turner	C	(859) 509-5497	356 Wendover Rd. Hyden, KY 41749

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
ADDRESS DEFICIENCIES ON CR 1151 RED SAM RD OVER GREASY CREEK. (066C00088N)
ITEM NUMBER: 11-10067.00

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.

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

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
ADDRESS DEFICIENCIES ON CR 1151 RED SAM RD OVER GREASY CREEK. (066C00088N)
ITEM NUMBER: 11-10067.00

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.

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

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

Hyden-Leslie Co. Water District has a line running along KY 2009 but will not be affected by construction.

AEP Electric has a line running along KY 2009 but will not be affected by construction.

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

Not Applicable

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
ADDRESS DEFICIENCIES ON CR 1151 RED SAM RD OVER GREASY CREEK. (066C00088N)
ITEM NUMBER: 11-10067.00

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

Not Applicable

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

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒ No Rail Involvement ☐ Rail Involved ☐ Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
ADDRESS DEFICIENCIES ON CR 1151 RED SAM RD OVER GREASY CREEK. (066C00088N)
ITEM NUMBER: 11-10067.00

AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Hyden-Leslie Co. Water	325 Wendover Rd. Hyden, KY 41749	L.J. Turner	(606) 672 2791	hlwater@tds.net
AEP(Kentucky Power)	12333 Kevin Ave. Ashland, KY 41102	Ron Canfield	(606) 929 1462	rlcanfield@aep.com

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
Mile point: 0.065 TO
ADDRESS DEFICIENCIES ON CR-1210 OVER MIDDLE FORK. (066C00090N)
ITEM NUMBER: 11-10051.00

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.

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

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County Mile point: 0.065 TO ADDRESS DEFICIENCIES ON CR-1210 OVER MIDDLE FORK. (066C00090N) ITEM NUMBER: 11-10051.00

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

TDS Telecom (Communication)

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

TDS Telecom (Communication) will temporarily remove their existing utility pole near Sta. 12+45, 9’ LT and raise the overhead line at this location before construction begins. The two poles connected on either side of this overhead line will be replaced and the overhead line raised by approximately 5 feet. Once construction is completed, the existing utility pole along with its overhead line will be replaced back to their existing locations, approximately.

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒ No Rail Involvement ☐ Rail Involved ☐ Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County
Mile point: 0.065 TO
ADDRESS DEFICIENCIES ON CR-1210 OVER MIDDLE FORK. (066C00090N)
ITEM NUMBER: 11-10051.00

AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
TDS Telecom (Communication)	P.O. Box 969 Hyden KY, 41749	Jimmy Whitaker	(606) 672-1333	james.whitaker@tdstelecom.com
Versicom, Inc. - (Consultant for TDS Telecom)	1427 Research Park Dr. Beavercreek, OH 45432	Kevin Burnette	(270) 590-0131	Kevin.burnette@vcitel.com

The Contractor shall contact TDS Telecom and Versicom, Inc. at least 2 weeks prior to beginning construction.

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County

Mile point: 0.005 to 0.015

ADDRESS DEFICIENCIES OF VIOLET LANE OVER STINNETT CREEK. (066C00093N)

ITEM NUMBER: 11-10049

PROJECT NOTES ON UTILITIES

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

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.

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

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

Not Applicable

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

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County

Mile point: 0.005 to 0.015

ADDRESS DEFICIENCIES OF VIOLET LANE OVER STINNETT CREEK. (066C00093N)

ITEM NUMBER: 11-10049

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

The overhead electric (Kentucky Power/AEP), communication and telephone lines over the north end of the proposed bridge are to be relocated such that they are not directly over the limits of the new northern foundation/piles. The utility pole at the northeast corner of the existing bridge will be braced to allow removal of the exiting bridge. The O/H line east of and parallel to the exiting bridge is not to be relocated.

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

Not Applicable

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

Prior to demolition, the Contractor is responsible for relocating the three private water services which are currently attached to the existing bridge. The new ¾" services are to be relocated/buried beneath the streambed with a minimum cover of 36", and shall be replaced/reconnected from the tail at the meter vaults and reconnected to the existing services at a location on the south side of the stream which is clear from construction/demolition activities. Pipe materials used are to be in compliance with current plumbing code, and may include copper, HDPE, PEX. Disruptions in water service shall be held to a minimum (not to exceed 3 hours per customer) and shall be coordinated in advance with owners/residents as well as the Hyden Leslie County Water District, as needed.

As an alternative, the Contractor may submit for consideration, insulated aerial conduit(s) which would be permanently attached to the bridge.

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

☒ No Rail Involvement ☐ Rail Involved ☐ Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Leslie County

Mile point: 0.005 to 0.015

ADDRESS DEFICIENCIES OF VIOLET LANE OVER STINNETT CREEK. (066C00093N)

ITEM NUMBER: 11-10049

AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Hyden Leslie County Water District - Water	PO Box 906 Hyden, KY 1749	L.J. Turner	6066722791	hlwater@tds.net
Kentucky Power Company - Electric	12333 Kevin Avenue Ashland, KY 41102	Ellis McKnight	6064361329	ermcknight@aep.com
Windstream Corp. - Communication	719 N. Main Street London, KY 40741	Rodney Armstrong	6068783267	Rodney.armstrong@windstream.com



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

August 26, 2019

Danny Peake
Kentucky Transportation Cabinet (KYTC)
200 Mero St
Frankfort, KY 40622

Re: §401 Water Quality Certification
WQC No: 2019-059-1
KY 179 Fugitt Creek Bridge - Harlan Co
AI No.: 161750; Activity ID: APE20190001
KYTC Item No.: 11-10013
USACE ID No.: LRL-2019-00619-cdb
Fugitt Creek
Harlan County, Kentucky

Dear Mr. Peake:

Pursuant to Section 401 of the Clean Water Act (CWA), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under 33 CFR part 330, and the attached conditions are met.

All future correspondence on this project must reference AI No. **161750**. **The attached document is your official Water Quality Certification; please read it carefully.** Please contact Samantha Vogeler by phone at 502-782-6995 or email at samantha.vogeler@ky.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth M Harrod".

Elizabeth M Harrod, Supervisor
Water Quality Certification Section
Kentucky Division of Water

EH:SV
Attachment

cc: Crystal Byrd, USACE: Louisville District (via email: Crystal.D.Byrd@usace.army.mil)
Dave Harmon, KYTC: Frankfort (via email: Dave.Harmon@ky.gov)
Richard Clausen, Redwing Ecological Services (via email: rclausen@redwingeco.com)
Lee Andrews, USFWS: Frankfort (via email: kentuckyes@fws.gov)

Michaela Lambert, Big Sandy River Basin Coordinator (via email: Michaela.Lambert@ky.gov)
Robert Miller, London Regional Field Office (via email: RobertL.Miller@ky.gov)

KTC Water Quality Certification
KY 179 Fugitt Creek Bridge - Harlan Co
Facility Requirements
Permit Number: WQCC2019-059-1M
Activity ID No.: APE20190001

ACTV0000000001 (AI: 161750; KYTC Item No. 11-10013) Kentucky Transportation Cabinet:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Kentucky Transportation Cabinet (KYTC) shall notify the Water Quality Certification Project Manager or Supervisor of the scheduled start of construction activities at least two weeks before the start of construction. [Clean Water Act]
S-2	KYTC shall submit monthly photographs and a narrative discussion documenting the status of the approved stream work to the Water Quality Certification Project Manager or Supervisor. Electronic submissions are acceptable. [Clean Water Act]
S-3	KYTC shall notify the Water Quality Certification Project Manager or Supervisor of the substantial completion of construction no later than two weeks post-construction. [Clean Water Act]
S-4	KYTC shall submit as-built drawings within 90 days after substantial completion of construction to the Water Quality Certification Section Project Manager or Supervisor containing a description of the work completed to restore all streams impacted by the placement of temporary fill material. The report shall include representative photos of the stream areas prior to the placement of temporary fill material, photos of the areas after restoration, and a description of the restoration work completed. [Clean Water Act]
S-5	KYTC shall submit as-built drawings within 90 days after substantial completion of construction to the Water Quality Certification Section Project Manager or Supervisor. [Clean Water Act]

Narrative Requirements:

Condition No.	Condition
T-1	The work approved by this certification shall be limited to the following temporary and permanent impacts associated with the replacement of the KY-179 over Fugitt Creek (36.912058 N, 83.086201 W): - Removal of the existing bridge and abutments; construction of a new bridge within the same location with current geometrics (bridge width and length) and new abutments; and installation of rip-rap scour protection for the abutments, resulting in 45 linear feet of permanent impacts to Fugitt Creek. - Temporary stream access for bridge removal and construction and construction of cofferdams, resulting in 20 linear feet of temporary impacts to Fugitt Creek. Following construction, the temporary fill material shall be removed and the streams impacted by temporary fill shall be returned to pre-construction contours. [Clean Water Act]

KTC Water Quality Certification
KY 179 Fugitt Creek Bridge - Harlan Co
Facility Requirements
Permit Number: WQC2019-059-1
Activity ID No.:APE20190001

ACTV0000000001 (AI: 161750; KYTC Item No. 11-10013) Kentucky Transportation Cabinet:

Narrative Requirements:

Condition No.	Condition
T-2	All work performed under this certification shall adhere to the design and specifications set forth in the following document(s): - Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification received on June 21, 2019. - Preconstruction Notification for Nationwide Permit 14 and Request for Individual Water Quality Certification packet dated June 19, 2019. - Request for Individual Water Quality Certification Public Notice Bridging Kentucky - Multiple Bridge Rehabilitation/Replacement Projects 2018-2020 Biennium Project packet dated April 15, 2019. [Clean Water Act]
T-3	In stream work shall not be conducted during the fish spawning season, April 15th through June 15th. [Clean Water Act]
T-4	KYTC shall cease operations immediately if a federally endangered or threatened mussel is identified within the construction area. The Water Quality Certification Section Project Manager or Supervisor and the U.S. Fish & Wildlife Service (USFWS) shall be notified within 24 hours of discovery. [Clean Water Act]
T-5	Should evidence or report of any particular fish or wildlife resource area(s) experience substantial adverse impacts, stream designated use impairments, and/or violations of water quality standards occur as a result of bridge construction operations and activities, the Water Quality Certification Section Project Manager or Supervisor shall be notified immediately and reserves the right to impose additional restrictions, additional investigations, or alternative practices in order to protect and preserve the biological integrity of the resource area(s). [Clean Water Act]
T-6	KYTC is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sedimentation control plan must be designed, implemented, and maintained in effective operating condition at all times during construction. [Clean Water Act]
T-7	Sediment control structures including, but not limited to, check dams, silt fencing, and hay bales shall not be placed in the stream channel(s). [Clean Water Act]
T-8	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 instream 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. [Clean Water Act]
T-9	Remove all sediment and erosion control measures after re-vegetation has become well-established. [Clean Water Act]
T-10	Any fill or riprap shall be of a composition that shall not cause violations of water quality standards by adversely affecting the biological, chemical, or physical properties of waters of the Commonwealth. If riprap is used, it shall be of a weight and size that bank stress or slump conditions shall not occur. [Clean Water Act]

KTC Water Quality Certification
KY 179 Fugitt Creek Bridge - Harlan Co
Facility Requirements
Permit Number: WQC2019-059-1
Activity ID No.: APE20190001

ACTV0000000001 (AI: 161750; KYTC Item No. 11-10013) Kentucky Transportation Cabinet:

Narrative Requirements:

Condition No.	Condition
T-11	In acknowledgement of fish and wildlife resource areas, based on the actual or potential presence of threatened and/or endangered species and/or their critical habitat designations within this certification, the Water Quality Certification Section has relied on the most current information, data, and supporting documentation that has been obtained and utilized at the time of the application evaluation. If, subsequent to the acknowledgement of site-specific certification(s), such information, data, surveys, or other supporting documentation confirm the presence of threatened and/or endangered species and/or their critical habitat designations, this certification may be modified, suspended, or revoked, in whole or in part. [Clean Water Act]
T-12	If the scope of work or construction plans change, including, but not limited to, Department of the Army permit modification, a letter requesting a modification should be submitted to the Water Quality Certification Project Manager or Supervisor. [Clean Water Act]
T-13	Attached to this certification and cover letter is a listing of General Conditions for Water Quality Certification that apply to this project. [Clean Water Act]
T-14	If construction does not commence within two years of the date of this letter, this certification will become void. A letter requesting a renewal should be submitted to the Water Quality Certification Project Manager or Supervisor at least one month prior to expiration. [Clean Water Act]
T-15	The Division of Water reserves the right to modify or revoke this certification should it be determined that the activity is in noncompliance with any condition set forth in this certification. [Clean Water Act]
T-16	Other permits from the Division of Water may be required for this activity. If this activity occurs within a floodplain, a Permit to Construct Across or Along a Stream may be required. Please contact the Floodplain Management Section Supervisor (502-564-3410) for more information. If the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land, a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit shall be required. Please contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov) for more information. [Clean Water Act]



MATTHEW G. BEVIN
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CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

ATTENTION APPLICANT

If your project involves one or more of the following activities, you may need more than one permit from the Kentucky Division of Water.

- *building in a floodplain**
- *road culvert in a stream**
- *streambank stabilization**
- *stream cleanout**
- *utility line crossing a stream**
- *construction sites greater than 1 acre**

- Construction sites greater than 1 acre will require the filing of a Notice of Intent to be covered under the KPDES General Stormwater Permit. This permit requires the creation of an erosion control plan.

Contact: Surface Water Permits Branch (SWPB) Support at SWPBsupport@ky.gov

- Projects that involve filling in the floodplain will require a floodplain construction permit from the Water Resources Branch.

Contact: Ron Dutta at (502) 782-6941

- Projects that involve work IN a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration will require a floodplain permit and a Water Quality Certification from the Division of Water.

Contact: Elizabeth Harrod at (502) 782-6700

A complete listing of environmental programs administered by the Kentucky Department for Environmental Protection is available from Pete Goodmann by calling (502) 782-6956.



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. Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
4. 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.
5. 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.
6. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
7. To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow.
8. 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.
9. 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.
10. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
11. 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.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
EASTERN KENTUCKY REGULATORY OFFICE
845 SASSAFRAS CREEK ROAD
SASSAFRAS, KY 41759-8806
<http://www.lrl.usace.army.mil/>

July 22, 2019

Regulatory Division
South Branch
ID No. LRL-2019-00619

Danny R. Peake
Director, Division of Environmental Analysis
Kentucky Transportation Cabinet (KYTC)
200 Mero Street
Frankfort, Kentucky 40622

Dear Mr. Peake:

This is in response to your request for authorization to replace the bridge located over Fugitt Creek in Harlan County, Kentucky under KYTC Item Number 11-10013. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project is considered a discharge of backfill or bedding material for a road crossing. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 14, Linear Transportation Projects, as published in the Federal Register January 6, 2017. Under the provisions of this authorization you must comply with the enclosed Terms and General Conditions for Nationwide Permit No. 14, and the following Special Conditions:

Special Condition 1: The project/permittee action must remain consistent with the processes identified in the 2015 Interim Programmatic Agreement for Forest Dwelling Bats between the Federal Highway Administration (FHWA), KYTC, and the Service's Kentucky Field Office.

You must also contact the Kentucky Division of Water (KDOW), to verify that your project is covered by the enclosed Water Quality Certification (WQC) Conditions for Nationwide Permit No. 14. You may contact them directly at the following address:

Kentucky Energy & Environment Cabinet
Department for Environmental Protection
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601
Telephone: (502) 564-2150
Email: 401WQC@ky.gov

This verification is valid until March 18, 2022. The enclosed Compliance Certification must be submitted to the District Engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later. Note that we also perform periodic inspections to ensure compliance with our permit conditions and applicable Federal laws. A copy of this letter will be forwarded to your agent and to the KDOW.

If you have any questions, please contact this office by writing to the above address, ATTN: CELRL-RDS, or by calling Crystal Byrd at 606-642-3404. All correspondence pertaining to this matter should refer to our ID No. LRL-2019-00619.

Sincerely,



Justin Branham
Team Leader
Eastern Kentucky Regulatory Office

Enclosures

Byrd/RDS/NWP14-KY

Addresses for Coordinating Agencies

Mr. Duncan Powell
USEPA, Region IV
WCOB c/o SESD (Room A100-13)
980 College Station Road
Athens, Georgia 30605-2720

Mr. Virgil Lee Andrews
U.S. Fish & Wildlife Service
J.C. Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601

Elizabeth Harrod
Kentucky Energy & Environment Cabinet
Division of Water- Water Quality Certification Section
300 Sower Boulevard
Frankfort, KY 40601

Mr. Doug Dawson
Ky. Dept. of Fish and Wildlife Resources
#1 Game Farm Road
Frankfort, KY 40601

Mr. Craig Potts
Executive Director
State Historic Preservation Officer
The Barstow House
410 High Street
Frankfort, KY 40601

Compliance Certification:

Permit Number: LRL-2019-00619

Name of Permittee: Kentucky Transportation Cabinet

Date of Issuance: July 22, 2019

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
CELRL-RDS
845 Sassafras Creek Road
Sassafras, Kentucky 41759

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Kentucky Transportation
Cabinet Project:

N O T I C E

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
NATIONWIDE SECTION 404 PERMIT AUTHORIZATION**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
KENTUCKY DIVISION OF WATER
SECTION 401 WATER QUALITY CERTIFICATION**

**PROJECT DESCRIPTION: Bridge Rehabilitation
Stretchneck Hollow Road over Yocum Creek
Harlan County, KY
KYTC Item No. 11-10069**

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 048C00023N	Bridge 048C00023N (Stretchneck Hollow Road over Yocum Creek) project will entail rehabilitating the existing bridge with the same current geometrics (bridge width, length, hydraulic opening, etc.). The project may involve the removal of debris and/or sediment.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification—Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

Terms for Nationwide Permit No. 3 – Maintenance Projects

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

R. BRUCE SCOTT
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

General Certification--Nationwide Permit # 3 Maintenance

This General Certification is issued March 19, 2017, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth.

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5. 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.
6. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
7. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - 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.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., 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, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - 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 in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
 - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.

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- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional 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) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



**US Army Corps
of Engineers®**

Louisville District

2017 Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>

17. Tribal Rights. No activity may impair tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on the listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will review the ESA section 10(a)(1)(B) permit, and if he or she determines that it covers the proposed NWP activity, including any incidental take of listed species that might occur as a result of conducting the proposed NWP activity, the district engineer does not need to conduct a separate section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete PCN whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/pac> and <http://www.nmfs.noaa.gov/pdfs/species/esa> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, and adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g. conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on the both sides of a stream or if the waterbody is a lake or coastal waters. Then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g. riparian areas and/or wetlands compensation) based on what is best for the aquatic environmental on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation if the use of mitigation bank or in-lieu fee program credits is not appropriate and practicable.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the minimal impact requirement for the NWP's.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality

Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally

authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission is not authorized by the NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWPs the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity, the activity's purpose, direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure, a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other water for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an

illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans):

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that may be affected by the proposed activity. For any NWP activity that requires pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act:

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line or ordinary high water mark.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural

resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

Kentucky Transportation
Cabinet Project:

NOTICE

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
NATIONWIDE SECTION 404 PERMIT AUTHORIZATION

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
KENTUCKY DIVISION OF WATER
SECTION 401 WATER QUALITY CERTIFICATION

PROJECT DESCRIPTION: Bridge Rehabilitation
Kelly Smith Road over Martins Fork of Cumberland River
Harlan County, KY
KYTC Item No. 11-10055

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 048C00076N	Kelly Smith Road over Martins Fork of Cumberland River project will entail rehabilitating the existing bridge with the same current geometrics (bridge width, length, hydraulic opening, etc.). The project may involve the removal of debris and/or sediment.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification—Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

Terms for Nationwide Permit No. 3 – Maintenance Projects

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

R. BRUCE SCOTT
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

General Certification--Nationwide Permit # 3 Maintenance

This General Certification is issued March 19, 2017, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth.

General Certification--Nationwide Permit # 3
Maintenance
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5. 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.
6. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
7. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - 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.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., 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, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - 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 in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
 - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.

General Certification--Nationwide Permit # 3
Maintenance
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- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional 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) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



**US Army Corps
of Engineers®**

Louisville District

2017 Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>

17. Tribal Rights. No activity may impair tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on the listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will review the ESA section 10(a)(1)(B) permit, and if he or she determines that it covers the proposed NWP activity, including any incidental take of listed species that might occur as a result of conducting the proposed NWP activity, the district engineer does not need to conduct a separate section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete PCN whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pdfs/species/esa> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, and adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g. conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on the both sides of a stream or if the waterbody is a lake or coastal waters. Then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g. riparian areas and/or wetlands compensation) based on what is best for the aquatic environmental on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation if the use of mitigation bank or in-lieu fee program credits is not appropriate and practicable.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the minimal impact requirement for the NWP's.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality

Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally

authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission is not authorized by the NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWPs the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity, the activity's purpose, direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure, a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other water for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an

illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans):

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that may be affected by the proposed activity. For any NWP activity that requires pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act:

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line or ordinary high water mark.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural

resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

Kentucky Transportation
Cabinet Project:

NOTICE

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS

NATIONWIDE SECTION 404 PERMIT AUTHORIZATION

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

KENTUCKY DIVISION OF WATER

SECTION 401 WATER QUALITY CERTIFICATION

PROJECT DESCRIPTION: Bridge Rehabilitation
CR-1271 over Middle Fork of Kentucky River
Leslie County, KY
KYTC Item No. 11-10104

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 066C00079N	Bridge 066C00079N (CR-1271 over Middle Fork of Kentucky River) project will entail rehabilitating the existing bridge with the same current geometrics (bridge width, length, hydraulic opening, etc.). The project may involve the removal of debris and/or sediment.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification—Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

Terms for Nationwide Permit No. 3 – Maintenance Projects

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

R. BRUCE SCOTT
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

General Certification--Nationwide Permit # 3 Maintenance

This General Certification is issued March 19, 2017, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth.

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5. 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.
6. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
7. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - 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.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., 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, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - 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 in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
 - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.

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- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional 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) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



**US Army Corps
of Engineers®**

Louisville District

2017 Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>

17. Tribal Rights. No activity may impair tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on the listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will review the ESA section 10(a)(1)(B) permit, and if he or she determines that it covers the proposed NWP activity, including any incidental take of listed species that might occur as a result of conducting the proposed NWP activity, the district engineer does not need to conduct a separate section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete PCN whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/pac> and <http://www.nmfs.noaa.gov/pdfs/species/esa> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, and adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g. conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on the both sides of a stream or if the waterbody is a lake or coastal waters. Then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g. riparian areas and/or wetlands compensation) based on what is best for the aquatic environmental on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation if the use of mitigation bank or in-lieu fee program credits is not appropriate and practicable.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the minimal impact requirement for the NWP's.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality

Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally

authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission is not authorized by the NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification. The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWPs the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity, the activity's purpose, direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure, a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other water for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an

illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans):

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that may be affected by the proposed activity. For any NWP activity that requires pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act:

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line or ordinary high water mark.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural

resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

March 17, 2020

Danny Peake
Kentucky Transportation Cabinet (KYTC)
200 Mero St
Frankfort, KY 40622

Re: §401 Water Quality Certification
Red Sam Rd Bridge - Leslie Co
Bridging Kentucky
WQC No: 2020-013-1
AI No.: 161758; Activity ID: APE20200001
KYTC Item No.: 11-10067
USACE ID No.: LRL-2020-00209-cdb
Greasy Creek
Leslie County, Kentucky

Dear Mr. Peake:

Pursuant to Section 401 of the Clean Water Act (CWA), the Commonwealth of Kentucky certifies it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 303, 304, 306, and 307 of the CWA, will not be violated by the above referenced project provided that the U.S. Army Corps of Engineers authorizes the activity under 33 CFR part 330, and the attached conditions are met.

All future correspondence on this project must reference AI No. **161758**. **The attached document is your official Water Quality Certification; please read it carefully.** Please contact Samantha Vogeler by phone at 502-782-6995 or email at samantha.vogeler@ky.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Elizabeth M Harrod".

Elizabeth M Harrod, Supervisor
Water Quality Certification Section
Kentucky Division of Water

EH:SV
Attachment

cc: Andrew Logsdon, KYTC: Frankfort (via email: Andrew.Logsdon@ky.gov)
 Dave Harmon, KYTC: Frankfort (via email: Dave.Harmon@ky.gov)
 Crystal Byrd, USACE: Louisville District (via email: Crystal.D.Byrd@usace.army.mil)
 Richard Clausen, Redwing Ecological Services, Inc. (via email: rclausen@redwingeco.com)
 Lee Andrews, USFWS: Frankfort (via email: kentuckyes@fws.gov)
 Malissa McAlister, Kentucky River Basin Coordinator (via email: mmcalister@uky.edu)
 Ashton Johnson, Hazard Regional Office (via email: Ashton.Johnson@ky.gov)

KTC Water Quality Certification
Red Sam Rd Bridge - Leslie Co
Facility Requirements
Permit Number: WQC2020-013-1
Activity ID No.:APE20200001

ACTV0000000001 (AI: 161758; KYTC Item No.: 11-110067) Kentucky Transportation Cabinet:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Kentucky Transportation Cabinet shall notify the Water Quality Certification Project Manager or Supervisor of the scheduled start of construction activities at least two weeks before the start of construction. [Clean Water Act]
S-2	KYTC shall submit monthly photographs and a narrative discussion documenting the status of the approved stream work to the Water Quality Certification Project Manager or Supervisor. Electronic submissions are acceptable. [Clean Water Act]
S-3	KYTC shall notify the Water Quality Certification Project Manager or Supervisor of the substantial completion of construction no later than two weeks post-construction. [Clean Water Act]
S-4	KYTC shall submit a report within 90 days after substantial completion of construction to the Water Quality Certification Project Manager or Supervisor containing a description of the work completed to restore all streams impacted by the placement of temporary fill material. The report shall include representative photos of the stream areas prior to the placement of temporary fill material, photos of the areas after restoration, and a description of the restoration work completed. [Clean Water Act]
S-5	KYTC shall submit as-built drawings within 90 days after substantial completion of construction to the Water Quality Certification Section Project Manager or Supervisor. [Clean Water Act]

Narrative Requirements:

Condition No.	Condition
T-1	The work approved by this certification shall be limited to the following temporary and permanent impacts associated with the replacement of the Red Sam Road Bridge over Greasy Creek (37.075533 N, 83.39012 W): - Removal of the existing bridge; construction of a new bridge upstream of the existing bridge; and installation of rip-rap scour protection for the abutments, resulting in 70 linear feet of permanent impacts to Greasy Creek. - Construction of a temporary work pad for bridge removal and construction; and construction of cofferdams, resulting in 100 linear feet of temporary impacts to Greasy Creek. Following construction, the temporary fill material shall be removed and stream impacted by temporary fill shall be returned to pre-construction contours. [Clean Water Act]

KTC Water Quality Certification
Red Sam Rd Bridge - Leslie Co
Facility Requirements
Permit Number: WQC2020-013-1
Activity ID No.: APE20200001

ACTV0000000001 (AI: 161758; KYTC Item No.: 11-10067) Kentucky Transportation Cabinet:

Narrative Requirements:

Condition No.	Condition
T-2	All work performed under this certification shall adhere to the design and specifications set forth in the following document(s): - Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification received on March 2, 2020. - Preconstruction Notification for Nationwide Permit 3 and Request for Individual Water Quality Certification packet dated March 2, 2020. - Request for Individual Water Quality Certification Public Notice Bridging Kentucky - Multiple Bridge Rehabilitation/Replacement Projects 2018-2020 Biennium Project packet dated April 15, 2019. [Clean Water Act]
T-3	KYTC is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sedimentation control plan must be designed, implemented, and maintained in effective operating condition at all times during construction. [Clean Water Act]
T-4	Sediment control structures including, but not limited to, check dams, silt fencing, and hay bales shall not be placed in the stream channel(s). [Clean Water Act]
T-5	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 instream 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. [Clean Water Act]
T-6	Remove all sediment and erosion control measures after re-vegetation has become well-established. [Clean Water Act]
T-7	Any fill or riprap shall be of a composition that shall not cause violations of water quality standards by adversely affecting the biological, chemical, or physical properties of waters of the Commonwealth. If riprap is used, it shall be of a weight and size that bank stress or slump conditions shall not occur. [Clean Water Act]
T-8	Dredging work shall not be conducted during the fish spawning season, April 15th through June 15th. [Clean Water Act]
T-9	If the scope of work or construction plans change, including, but not limited to, Department of the Army permit modification, a letter requesting a modification should be submitted to the Water Quality Certification Project Manager or Supervisor. [Clean Water Act]
T-10	Attached to this certification and cover letter is a listing of General Conditions for Water Quality Certification that apply to this project. [Clean Water Act]
T-11	The Division of Water reserves the right to modify or revoke this certification should it be determined that the activity is in noncompliance with any condition set forth in this certification. [Clean Water Act]

KTC Water Quality Certification
Red Sam Rd Bridge - Leslie Co
Facility Requirements
Permit Number: WQC2020-013-1
Activity ID No.:APE20200001

ACTV0000000001 (AI: 161758; KYTC Item No.: 11-10067) Kentucky Transportation Cabinet:

Narrative Requirements:

Condition No.	Condition
T-12	If construction does not commence within two years of the date of this letter, this certification will become void. A letter requesting a renewal should be submitted to the Water Quality Certification Project Manager or Supervisor at least one month prior to expiration. [Clean Water Act]
T-13	Other permits from the Division of Water may be required for this activity. If this activity occurs within a floodplain, a Permit to Construct Across or Along a Stream may be required. Please contact the Floodplain Management Section Supervisor (502-564-3410) for more information. If the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land, a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit shall be required. Please contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov) for more information. A Groundwater Protection Plan is required if any of the activities listed in Section 2(2) of 401 KAR 5:037 are conducted. A Water Withdrawal Application is required for any activities proposing raw water withdrawals of 10,000 gallons per day or more. For technical assistance contact the Watershed Management Branch at 502-564-3410 or visit eec.ky.gov. [Clean Water Act]

ANDY BESHEAR
GOVERNOR



REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

ATTENTION APPLICANT

If your project involves one or more of the following activities, you may need more than one permit from the Kentucky Division of Water.

***building in a floodplain *road culvert in a stream**
***streambank stabilization *stream cleanout**
***utility line crossing a stream**
***construction sites greater than 1 acre**

- **Construction sites greater than 1 acre will require the filing of a Notice of Intent to be covered under the KPDES General Stormwater Permit. This permit requires the creation of an erosion control plan.**

**Contact: Surface Water Permits Branch (SWPB) Support at
SWPBsupport@ky.gov**

- **Projects that involve filling in the floodplain will require a floodplain construction permit from the Water Resources Branch.**

Contact: Floodplain Management Section Supervisor at (502) 564-3410

- **Projects that involve work IN a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration will require a floodplain permit and a Water Quality Certification from the Division of Water.**

Contact: Elizabeth Harrod at (502) 782-6700

A complete listing of environmental programs administered by the Kentucky Department for Environmental Protection is available from Director Paul Miller by calling (502) 782-4505.

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. Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
4. 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.
5. 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.
6. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
7. To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow.
8. 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.
9. 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.
10. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
11. 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.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
EASTERN KENTUCKY REGULATORY OFFICE
845 Sassafras Creek Road
Sassafras, Kentucky 41759-8806

March 19, 2020

Regulatory Division
South Branch
ID No. LRL-2020-00209

Danny Peake
Kentucky Transportation Cabinet (KYTC)
200 Mero Street
Frankfort, KY 40622

Dear Mr. Peake:

This is in response to your request for authorization to replace an existing bridge (KYTC Item No. 11-10067) located on County Road 1151 (Red Sam Road) over Greasy Creek in Leslie County, KY. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

Your project is considered maintenance of a structure which has been previously authorized, either by DA Permit or by having been constructed prior to current Federal laws. Therefore, the project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 3, Maintenance, as published in the Federal Register January 6, 2017. Under the provisions of this authorization you must comply with the enclosed Terms and General Conditions for Nationwide Permit No. 3, and the following Special Conditions:

- 1.) The permittee must comply with the agreements outlined in the February 28, 2020 letter from U.S. Fish and Wildlife Service regarding the endangered species within the project area. Permittee must comply with processes identified in the 2015 Programmatic Agreement for Forest Dwelling bats between the Federal Highway Administration (FHWA), KYTC, and the Service's Kentucky Field Office.

You must also contact the Kentucky Division of Water (KDOW), to verify that your project is covered by the enclosed Water Quality Certification (WQC) Conditions for Nationwide Permit No. 3. You may contact them directly at the following address:

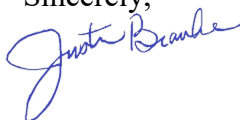
Kentucky Energy & Environment Cabinet
Department for Environmental Protection
Division of Water

300 Sower Boulevard
Frankfort, Kentucky 40601
Telephone: (502) 564-2150
Email: 401WQC@ky.gov

This verification is valid until March 18, 2022. The enclosed Compliance Certification must be submitted to the District Engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later. Note that we also perform periodic inspections to ensure compliance with our permit conditions and applicable Federal laws. A copy of this letter will be forwarded to your agent and to the KDOW.

If you have any questions, please contact us by writing to the Eastern Kentucky Regulatory Office at 845 Sassafras Creek Road, Sassafras, KY 41759, ATTN: CELRL-RDS, or contact Crystal Byrd directly at 606-642-3404 or crystal.d.byrd@usace.army.mil. Any correspondence on this matter should refer to our ID Number LRL-2020-00209.

Sincerely,



Justin Branham
Team Leader, South Branch
Regulatory Division

Enclosures

Byrd/NWP3-KY

Addresses for Coordinating Agencies

USEPA, Region IV
WCOB c/o SEDS (Room A100-13)
980 College Station Road
Athens, Georgia 30605-2720

U.S. Fish & Wildlife Service
J.C. Watts Federal Building
330 West Broadway, Suite 265
Frankfort, KY 40601

Director
Kentucky Energy & Environment Cabinet
Division of Water
300 Sower Boulevard
Frankfort, KY 40601

Mr. Doug Dawson
Ky. Dept. of Fish and Wildlife Resources
#1 Game Farm Road
Frankfort, KY 40601

Executive Director
State Historic Preservation Officer
Kentucky Heritage Council
The Barstow House
410 High Street, Frankfort, KY 40601

Richard Clausen, Agent
Redwing Ecological Services, Inc.
1139 South Forth Street
Louisville, KY 40203

Compliance Certification:

Permit Number: LRL-2020-00209

Name of Permittee: Kentucky Transportation Cabinet

Date of Issuance: March 19, 2020

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
CELRL-RDS
P.O. Box 59
Louisville, Kentucky 40201

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Kentucky Transportation
Cabinet Project:

NOTICE

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
NATIONWIDE SECTION 404 PERMIT AUTHORIZATION

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
KENTUCKY DIVISION OF WATER
SECTION 401 WATER QUALITY CERTIFICATION

PROJECT DESCRIPTION: Bridge Replacement
CR-1210 over Middle Fork, Kentucky River
Leslie County, KY
KYTC Item No. 11-10051

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 066C00090N	CR-1210 over Middle Fork, Kentucky River project will entail replacing the existing bridge and constructing a new bridge in the same location and with the same current geometrics (bridge width, length, hydraulic opening, etc.). The project may involve the removal of debris and/or sediment.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification—Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

Terms for Nationwide Permit No. 3 – Maintenance Projects

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

R. BRUCE SCOTT
COMMISSIONER

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FRANKFORT, KENTUCKY 40601

General Certification--Nationwide Permit # 3 Maintenance

This General Certification is issued March 19, 2017, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth.

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5. 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.
6. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
7. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - 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.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., 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, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - 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 in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
 - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.

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- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional 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) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



**US Army Corps
of Engineers®**

Louisville District

2017 Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for that river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>

17. Tribal Rights. No activity may impair tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on the listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will review the ESA section 10(a)(1)(B) permit, and if he or she determines that it covers the proposed NWP activity, including any incidental take of listed species that might occur as a result of conducting the proposed NWP activity, the district engineer does not need to conduct a separate section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete PCN whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pdfs/species/esa> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, and adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g. conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on the both sides of a stream or if the waterbody is a lake or coastal waters. Then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g. riparian areas and/or wetlands compensation) based on what is best for the aquatic environmental on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation if the use of mitigation bank or in-lieu fee program credits is not appropriate and practicable.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the minimal impact requirement for the NWP's.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality

Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally

authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission is not authorized by the NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWPs the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity, the activity's purpose, direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure, a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an

illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans):

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that may be affected by the proposed activity. For any NWP activity that requires pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act:

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line or ordinary high water mark.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural

resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

Kentucky Transportation
Cabinet Project:

NOTICE

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
NATIONWIDE SECTION 404 PERMIT AUTHORIZATION

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
KENTUCKY DIVISION OF WATER
SECTION 401 WATER QUALITY CERTIFICATION

PROJECT DESCRIPTION: Bridge Replacement
Violet Lane over Stinnett Creek
Leslie County, KY
KYTC Item No. 11-10049

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 066C00093N	Violet Lane over Stinnett Creek project will entail replacing the existing bridge and constructing a new bridge in the same location and with the same current geometrics (bridge width, length, hydraulic opening, etc.). The project may involve the removal of debris and/or sediment.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification—Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

Terms for Nationwide Permit No. 3 – Maintenance Projects

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

R. BRUCE SCOTT
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

General Certification--Nationwide Permit # 3 Maintenance

This General Certification is issued March 19, 2017, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 3, namely Maintenance, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth.

General Certification--Nationwide Permit # 3
Maintenance
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5. 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.
6. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
7. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
 - 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.
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., 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, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
 - 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 in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
 - Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.

General Certification--Nationwide Permit # 3
Maintenance
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- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional 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) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



**US Army Corps
of Engineers®**

Louisville District

2017 Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>

17. Tribal Rights. No activity may impair tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly 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 (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on the listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps.

(d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will review the ESA section 10(a)(1)(B) permit, and if he or she determines that it covers the proposed NWP activity, including any incidental take of listed species that might occur as a result of conducting the proposed NWP activity, the district engineer does not need to conduct a separate section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete PCN whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/pac> and <http://www.nmfs.noaa.gov/pdfs/species/esa> respectively.

19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. **Historic Properties.** (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause an effect on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, and adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. **Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g. conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on the both sides of a stream or if the waterbody is a lake or coastal waters. Then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g. riparian areas and/or wetlands compensation) based on what is best for the aquatic environmental on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP's, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation if the use of mitigation bank or in-lieu fee program credits is not appropriate and practicable.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the minimal impact requirement for the NWP's.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality

Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally

authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission is not authorized by the NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWPs the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity, the activity's purpose, direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure, a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other water for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an

illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans):

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that may be affected by the proposed activity. For any NWP activity that requires pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act:

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of PCN Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line or ordinary high water mark.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural

resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).



Communicate All Promises (CAP) - 1

Project:	A6 D11 048B00097N Harlan	Project Number:	
Process Document:	CAP - 1	Overall Due Date:	
Current Workflow Step:	Finish	Step Due Date:	
Subject:	KDOW_Water_Quality_Certificate		
Status:	Closed		

Commitments:	Must see and abide by KDOW's WQC for this project. The following is a summary of stipulations in the permit--please read permit carefully: T-3) No stream work conducted in the spawning season (April 15th - June 15th) T-4) Cease operation if T&E mussel is identified in the work area. T-5) Notify the KDOW of adverse impacts to fish or wildlife resources, impairment of use designation, and/or violation of water quality standards. If this occurs, the KDOW reserves the right to enforce greater restrictions Other Conditions: - Notify KDOW 2 weeks prior to construction - Submit monthly photos and narrative description of progress - Notify KDOW within 2 weeks of completion of construction - Submit as-built drawings within 90 days to show stream restoration after the placement of fill, including photos before and after - Submit report of efforts to restore streams with photos.
Discipline Category:	Environmental
Initiator Comments:	



A6 D11 066C00088N Leslie

Communicate All Promises:#1

Subject: ENV_Outstanding State Resource Water_03/24/2020 (ISU - 1)

Creator: Clausen, Richard

Date Created: 03.24.2020 12:05PM

Status:

Closed

Commitments	Per the Water Quality Certification issued by the KDOW on March 17, 2020, the contractor must: -contact KDOW at least 2 weeks prior to construction -submit monthly photos and narrative discussion of approved stream work -notify KDOW within 2 weeks of completion of construction -submit as-built drawings within 90 days of substantial completion -submit report within 90 days describing stream restoration activities
Discipline Category	Environmental
Initiator Comments	

Comments

Bridge #: 048B00097N

County: Harlan

Date: February 1, 2019

Geotechnical Survey

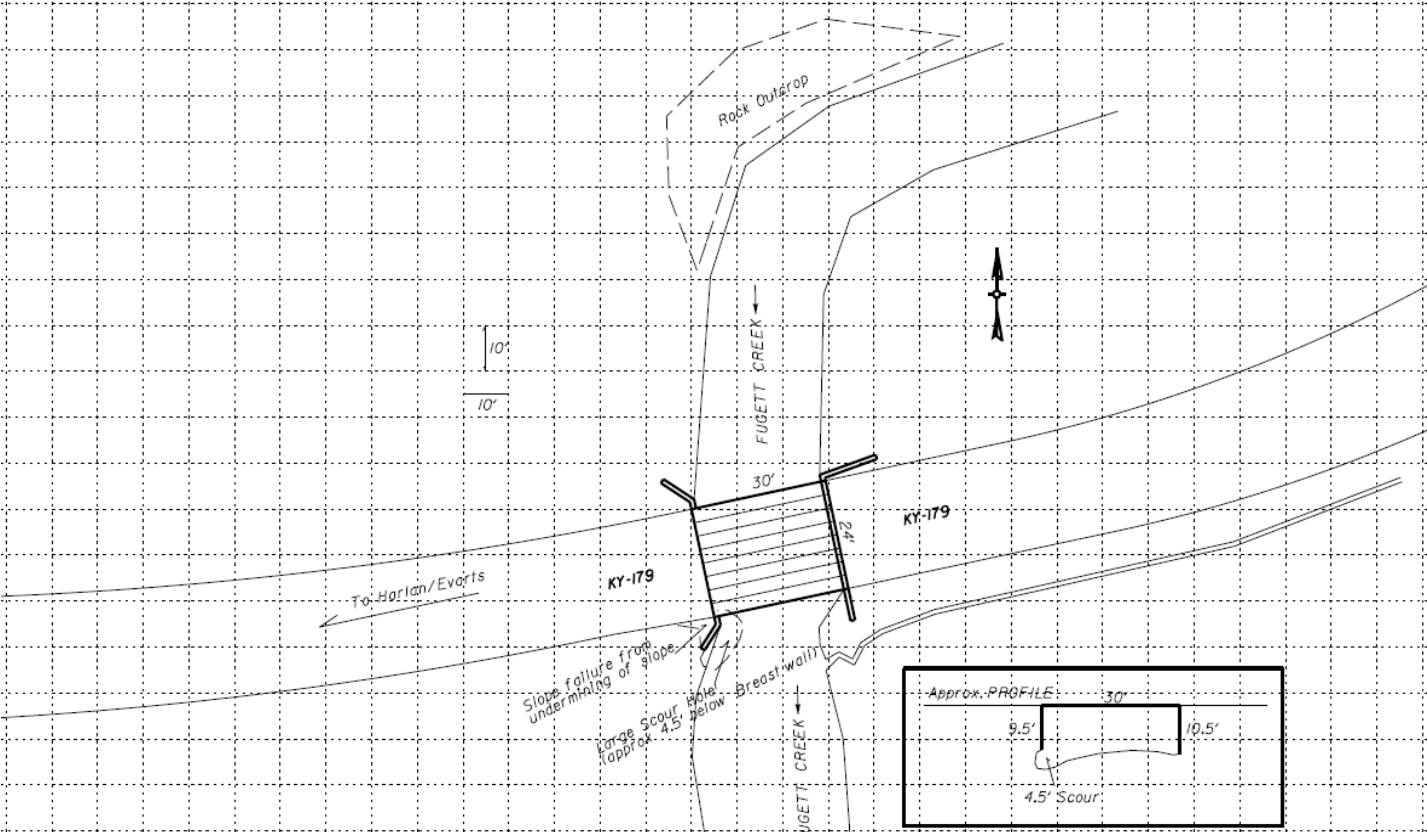
SURVEY REQUEST CHECKLIST

Geotech Survey field work needed:	☒ Ground line Profile at Bridge (Upstream and Downstream) ☐ Channel Bottom Rock ☒ Rock Out-Cropping ☐ Sink Holes ☐ Other (see Geotechnical site conditions Notes) ☐ None
-----------------------------------	---

Geotechnical

Geotechnical site conditions:	☒ Visual rock outcroppings at site ☐ Visual observation of rock in stream bed, crossing or railroad ☐ Rock Probe (Depth) ☒ Other (see Geotechnical site conditions Notes) ☐ None	Geotechnical site conditions Notes from Geotech Engineer: Existing structure is a 30 ft long, 24 ft wide, single-span bridge on breast-wall abutments. The deck consists of 8 side by side precast concrete box beams (3' w x 1.2'd). Southern end of the eastern abutment have significantly been scoured below and in front of the breast wall abutment. Approx. 4.5 ft below the base of breast wall.	No visual bedrock was encountered at the structure's location. Rod soundings were attempted, but were inconclusive due to the presence of very large cobbles and boulders in the stream. It is recommended that the structure location have borings taken in the road at each end of the existing structure. There were two existing control points staked at the each end of the bridge. These may be utilized to determine roadway grade elevations.
Anticipated level of geotechnical work for project advancement:	Additional Geotechnical investigation needed? ☒ Yes ☐ No		Site evaluation by: Robert D. McDonald, P.E. Reviewed by: Adam Ross, P.E. & Christian Wallover, P.G.

Sketch:









Report of Geotechnical Exploration

066C00079N
CR 1271 over Middle Fork
Leslie County, Kentucky



Prepared by:
Stantec Consulting Services Inc.
Lexington, Kentucky

July 1, 2019



Stantec Consulting Services Inc.
3052 Beaumont Centre Circle, Lexington KY 40513-1703

July 1, 2019
File: rpt_001_let_178568003

Attention: Ms. Heather Lawler, PE
Bridging Kentucky Area 6 Team Lead
Stantec
3052 Beaumont Centre
Lexington, Kentucky 40513

Reference: Report of Geotechnical Exploration
066C00079N
CR 1271 over Middle Fork
Leslie County, Kentucky

Dear Ms. Lawler,

Stantec Consulting Services Inc. (Stantec) is submitting the geotechnical engineering report for the referenced structure with this letter.

This report presents results of the field exploration along with our recommendations for the design and construction for the referenced bridge. As always, we enjoy working with your staff and if we can be of further assistance, please contact our office.

Sincerely,

STANTEC CONSULTING SERVICES INC.



Adam Crace, PE
Project Manager
Phone: (859) 422-3084
Fax: (859) 422-3100
Adam.crace@stantec.com

/rws

REPORT OF GEOTECHNICAL EXPLORATION

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REPORT OF GEOTECHNICAL EXPLORATION

Introduction
July 1, 2019

1.0 INTRODUCTION

The Kentucky Transportation Cabinet (KYTC) has initiated the Bridging Kentucky program. The purpose of the program is to rehabilitate or replace over 1,000 bridges across the state. Bridges that have been identified to be a part of the program are structures that, because of their deteriorating conditions and resulting low load ratings, are limiting the movement of people and freight across the state.

This report addresses the geotechnical considerations for Bridge 066C00079N, CR 1271 over Middle Fork which is in Leslie County, Kentucky. The bridge location is presented on Figure 1 below.

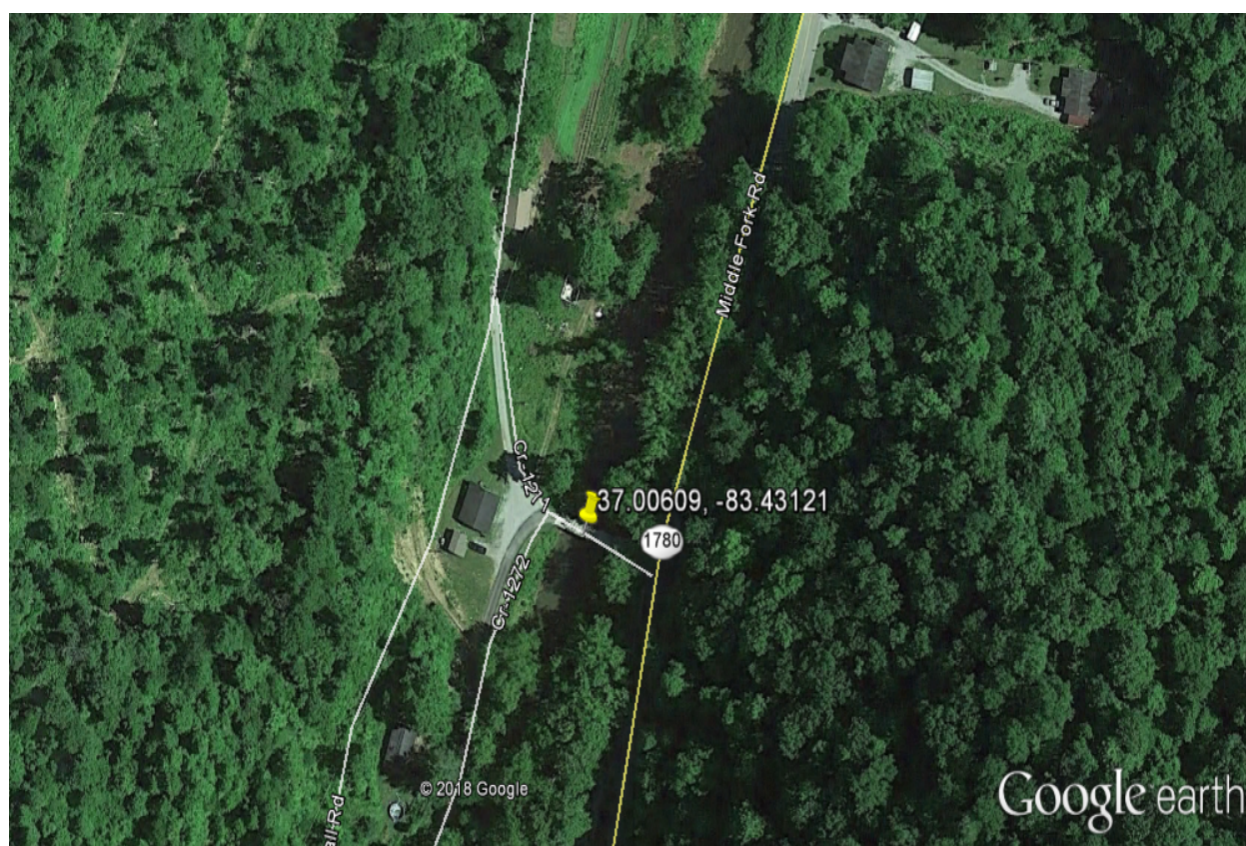


Figure 1 – Google Image showing Project Site.

REPORT OF GEOTECHNICAL EXPLORATION

Site Topography and Geologic Conditions
July 1, 2019

2.0 SITE TOPOGRAPHY AND GEOLOGIC CONDITIONS

The project site is situated on the Geologic Map of the Hoskinston Quadrangle, Kentucky (GQ-1456). Based on the review of this geologic map, the project is underlain by Alluvium followed by the Hyden Formation which is a part of the Breathitt Formation. The Alluvium consists of sand, silt, clay and gravel. The Hyden Formation of the Middle Pennsylvanian geologic period consists primarily of cyclic sequences of sandstones, siltstones, shales, and coals. Sandstones are described as being light- to medium-gray, predominately very fine- to medium-grained, cross-bedded and ripple-bedded in places, thin- to thick-bedded, clayey and silty. Siltstones are described as light- to dark-gray, commonly thin-bedded, ripple-bedded in places, and occurring mostly as thin transitional zones between sandstone and shale. Shales are typically medium- to dark-gray, and predominantly silty, but clayey in places.

No other detrimental geologic features are noted by the available mapping within the immediate vicinity of the proposed bridge.

3.0 FIELD INVESTIGATION

A geotechnical exploration was conducted in May of 2019 which consisted of one subsurface boring, designated herein as 066C00079N-1. The boring location and surface elevation were obtained by the Bridging Kentucky TEAM and are presented in Appendix A. Table 1 provides a summary of the location, elevation, and depth of the boring drilled for the proposed bridge.

Table 1 CR 1271 over Middle Fork – Summary of Borings

Hole No.	Latitude	Longitude	Surface Elevation (ft.) MSL	Top of Rock/Refusal		Begin Core		Bottom of Hole	
				Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL
066C00079N -1	37.006023	-83.431086	1063.8	15.0	1048.8	15.0	1048.8	33.0	1030.8

The drill crew operated truck-mounted drill rig equipped with hollow-stem and flight augers as well as wire line coring tools. The field personnel generally performed soil sampling at five-foot intervals of depth to obtain in situ strength data and specimens for subsequent laboratory strength and/or classification testing. Standard penetration testing (SPT) was conducted at the boring location.

REPORT OF GEOTECHNICAL EXPLORATION

Subsurface Conditions
July 1, 2019

4.0 SUBSURFACE CONDITIONS

In general, the subsurface materials observed in the sample boring consist primarily of brown silty sand with gravel that was moist to wet, and very loose to medium dense. Standard penetration test blow counts (N) in soil material ranged from 2 to 12 blows per foot. Soil thicknesses encountered were 15.0 feet at the bridge location.

Based upon the rock coring performed, the top of bedrock was encountered at an elevation of 1048.8 feet. Bedrock specimens recovered from coring operations consist of sandstone. A typed log of the boring is presented in Appendix B.

Observation wells were not installed. Groundwater was not encountered at the time of drilling. Groundwater can be expected to be encountered at the level of Middle Fork. Groundwater levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall or other factors.

5.0 LABORATORY TESTING AND RESULTS

Stantec performed laboratory testing on soil samples from the borings. All laboratory tests were performed in accordance with the applicable AASHTO or Kentucky Methods soil and rock testing specifications. Laboratory testing consisted of natural moisture content, grain size-sieve analyses (silt plus clay determinations), and soil classification index testing.

The SPT soil samples tested classified as SM according to USCS and A-2-4 on the AASHTO classification system. Results of the laboratory testing are also presented in Appendix C.

REPORT OF GEOTECHNICAL EXPLORATION

Engineering Analyses
July 1, 2019

6.0 ENGINEERING ANALYSES

6.1 GENERAL

This project will consist of replacing the existing bridge. No significant grading efforts are planned, as such, embankment stability or settlement analyses have been not performed. Any grading requirements or material placement that may be needed should be placed at 2H:1V slopes or flatter. Based on a combination of existing conditions and anticipated grades, recommendations for both spread footings or H-piles bearing on rock are being provided for support of the end bents of the subject structure.

6.2 BEARING CAPACITY FOR SPREAD FOOTINGS ON BEDROCK

Upon review of the boring log, spread footings are anticipated. Based on a review of the rock core log and the quality of the bedrock encountered, a presumptive bearing resistance of 20,000 psf on unweathered bedrock is being recommended at the substructure locations in accordance with NAVFAC DM 7.2, page 7.2-142 for spread footings bearing on sedimentary rock at the service limit state.

Additional evaluation will be necessary if the designer's analyses of the nominal bearing resistance indicate the strength or extreme limit states control the footing design.

6.3 STEEL H-PILE ANALYSES

6.3.1 Pile Capacity

Based upon depths to top of rock, steel H-piles driven to bedrock could be used but will require pre-drilling to achieve the minimum length. As noted in Sections 3 and 4 of this report, existing foundation soils at the end bent location are 15.0 feet thick. Due to the nature of the soil deposits and the subsurface conditions observed at the site, an axial resistance factor (ϕ_c) of 0.6 is recommended for good driving conditions as outlined in Section 6.5.4.2 of the current LRFD Design Specifications. Using $\phi_c = 0.6$, the estimated total factored axial resistance for 12x53 H-piles is 465.0 kips.

6.3.2 Hammer Energy

Static pile analyses were conducted to estimate the ultimate driving resistance that 12-inch steel H-piles would experience during the installation process. Drivability analyses were performed at the End Bent locations. The analyses were performed using guidelines presented in the FHWA "Soils and Foundations Workshop Manual".

REPORT OF GEOTECHNICAL EXPLORATION

Foundation System Recommendations
July 1, 2019

The soil column contributing to driving resistance at the End Bent locations includes existing embankment material and foundation soils down to rock. The pile is estimated to be silty sand with gravel down to bedrock. The results of FHWA research and other literature regarding pile installation indicate that significant reductions in skin resistances occur during pile driving, primarily due to the dynamics of the installation process. Soils are remolded and pore water pressures apparently increase, causing reductions in shear strengths. The driving resistances were estimated under the condition that no interruptions, and therefore no pile "set" characteristics would be experienced during the driving process.

The driveability analyses were conducted using the GRLWEAP (Version 2010) computer program for steel H-piles driven to bedrock. To perform the drivability analyses, two situations were modeled. The first one involved determining the minimum hammer energy which would drive the H-piles to refusal on bedrock without excessive blows, and which would achieve the maximum allowable pile capacity. This condition would show the minimum hammer energy necessary to seat the piles on bedrock. The second part of the analyses would determine what the maximum hammer energy can be to drive the piles to refusal, and one which would not damage the pile upon achieving refusal on bedrock. The FHWA publication titled "Soils and Foundations Workshop Manual-Second Edition" defines a reasonable range of hammer blows to be between 30 and 144 blows per foot for a steel H-pile. The results of the driveability analyses indicate that a hammer with a minimum energy of 10.5 foot-kips and a maximum energy of 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles.

7.0 FOUNDATION SYSTEM RECOMMENDATIONS

Stantec developed the following recommendations based upon reviews of available data, information obtained during the field exploration, results of laboratory testing and engineering analyses, and discussions with TEAM personnel.

7.1 GENERAL

7.1.1. Based on a review of the existing subsurface conditions and anticipated structural loads, it is recommended that rock bearing foundation systems be used for all bridge substructure elements. The following table provides possible foundation alternates using the following notations.

1. = Spread Footings
2. = Pre-Drilled H-Piles

REPORT OF GEOTECHNICAL EXPLORATION

Foundation System Recommendations
July 1, 2019

The foundation alternates shown below are those Stantec considers being most practical. However, other structural and/or economic considerations may dictate which option is most preferable.

Boring No.	Latitude	Longitude	Foundation Alternate	Top of Rock Elevation (feet)
066C00079N -1	37.006023	-83.431086	1,2	1048.8

7.1.2. Foundation excavations should be properly braced/shored to provide adequate safety to people working in or around the excavations. Bracing should be performed in accordance with applicable federal, state and local guidelines.

7.1.3. **A plan note should be included by the designer** that indicates that temporary shoring, sheeting, cofferdams, and/or dewatering methods may be required to facilitate foundation construction. It should be anticipated that groundwater will be encountered at foundation locations within the flood plain.

7.2 SPREAD FOOTING FOUNDATIONS

7.2.1. Rock-bearing spread footing options are being provided for both abutment substructure elements. Foundation excavations for footings at the structure locations should be level and free of loose, water softened material, etc. Additional rock excavation to achieve suitable bearing conditions may be required depending upon topography and bedrock weathering conditions.

7.2.2. **A plan note should be included by the designer** that indicates that solid rock excavation will be required for installation of the substructure's spread footings. The contractor shall take care during blasting and other excavation methods to avoid over-breakage and damage to the bedrock beneath the footings.

7.2.3. **A plan note should be included by the designer** that indicates that the bearing elevation of footings may be adjusted at the discretion of the Engineer if competent, unweathered bedrock is found at a higher elevation than specified for the respective substructure element. The top of new spread footings should be fully embedded into unweathered bedrock. The plan note should also state that the base of new footings must be placed on unweathered bedrock.

7.2.4. Prior to placement of any concrete or reinforcing steel in a foundation excavation, the excavation bottom should be clean and all soft, wet, or loose materials should be removed. In no case should concrete be placed upon compressible or water-softened materials.

REPORT OF GEOTECHNICAL EXPLORATION

Foundation System Recommendations
July 1, 2019

7.2.5. **A plan note should be included by the designer** indicating that footings should be placed as soon as practical after completion of the footing excavation. If the bedrock becomes softened at bearing elevation, the softened material should be undercut to unweathered material prior to placement of reinforcing steel and concrete. Seasonal groundwater fluctuations may cause groundwater infiltration into the footing excavation, and a dewatering method may be necessary.

7.2.6. Any clay seams or suspect weak materials at or near the bearing elevation will need to be undercut and replaced with mass concrete.

7.2.7. Mass concrete shall be placed in the footing excavations from the top of footing to the bedrock surface where the footing does not extend to the bedrock surface.

7.3 STEEL H-PILE FOUNDATIONS

7.3.1. The following notes provide recommendations applicable at the substructure element locations. It is estimated that pre-drilled 12x53 H-pile foundations are being planned for use in supporting the new bridge substructure elements.

7.3.2. **A plan note should be included by the designer** which states the following hammer criteria: At the End Bent locations, a diesel pile driving hammer with a rated energy between 10.5 foot-kips and 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles. The Contractor shall submit the proposed pile driving system to the Engineer for approval prior to the installation of the first pile. Approval of the pile driving system by the Engineer will be subject to satisfactory field performance of the pile driving procedures.

7.3.3. Stantec understands that end bearing piles are being driven to a practical refusal. **A plan note should be included by the designer** which indicates: For this project, minimum blow requirements may be reached after total penetration becomes 1/2 inch or less for ten consecutive blows, practical refusal is obtained after the pile is struck an additional ten blows with total penetration of 1/2 inch or less. Advance the production piling to the driving resistances specified above and to depths determined by test pile(s) and subsurface data sheet(s). Immediately cease driving operations if the pile visibly yields or becomes damaged during driving.

7.3.4. **A plan note should be included by the designer** to address pre-drilling for piles at both end bent locations to the estimated bearing elevation. Where pre-drilling is necessary for pile installation, holes shall be drilled into solid rock. A minimum pile length of 10 feet is required below the pile bent/pile cap. Backfill the holes with sand or pea gravel after the pile is placed in the hole. A temporary casing may be required to prevent collapse of the hole. If used, remove the casing as the hole is being backfilled. Drive piles to refusal after backfill operations are complete. Include the cost of all materials, labor, and equipment needed to pre-drill, backfill the holes, and drive the piles to refusal in the price per linear foot for "Pre-drilling for Piles".

REPORT OF GEOTECHNICAL EXPLORATION

Closing
July 1, 2019

7.3.5. The design and installation of the pile foundations should conform to current AASHTO LRFD Bridge Design Specifications, and Section 604 of the current edition of the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction.

7.3.6. The Kentucky Transportation Cabinet recommends that protective pile points be used on end bearing piles to allow for embedment into the top of bedrock. Use of reinforced pile points capable of penetrating boulders and hard layers which may be encountered is recommended. Installation of pile points should be in accordance with Section 604 of the Kentucky Standard Specifications for Road and Bridge Construction, current edition.

7.3.7. The AASHTO LRFD Bridge Design Specifications recommend a resistance factor for horizontal geotechnical resistance of a single pile or pile group of 1.0 for lateral capacity analyses.

7.3.8. The 2014 AASHTO LRFD Bridge Design Specifications recommends axial resistance factors based on pile driving conditions (good or severe driving conditions). Based on the general subsurface conditions encountered across the project, it is anticipated that there will be good pile driving conditions. Therefore, it is recommended that the axial resistance of piles in compression (ϕ_c) used in design be 0.60. Further, the combined axial and flexural resistance factors for design should be $\phi_c = 0.70$ and $\phi_f = 1.00$ as noted in Section 6.5.4.2 of the referenced AASHTO specifications.

8.0 CLOSING

8.1. The conclusions and recommendations presented herein are based on data and subsurface conditions from the borings drilled during previous geotechnical exploration using that degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession. No warranties can be made regarding the continuity of conditions between borings.

8.2. General soil and rock descriptions and indicated boundaries are based on an engineering interpretation of all available subsurface information and may not necessarily reflect the actual variation in subsurface conditions between borings and samples.

8.3. The observed water levels and/or conditions indicated on the boring logs are as recorded at the time of exploration. These water levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall, tail water elevations or other factors and are otherwise dependent on the duration of and methods used in the exploration program.

8.4. Stantec exercised sound engineering judgment in preparing the subsurface information presented herein. This information has been prepared and is intended for design and estimating

REPORT OF GEOTECHNICAL EXPLORATION

Closing
July 1, 2019

purposes. Its presentation on the plans or elsewhere is for the purpose of providing intended users with access to the same information. This subsurface information interpretation is presented in good faith and is not intended as a substitute for independent interpretations or judgments of the Contractor.

8.5. All structure details shown herein are for illustrative purposes only and may not be indicative of the final design conditions shown in the contract plans.

APPENDIX A SITE MAP



LEGEND

 SOIL BORING WITH UNDISTURBED (SHELBY) TUBE SAMPLES AND/OR STANDARD PENETRATION TESTS AND ROCK CORE

© 2019 Microsoft Corporation © 2019 DigitalGlobe ©CNES (2019) Distribution Airbus DS © 2019 HERE 

PLOT DATE: 06/13/2019 USER: ELLISON, DOC
V:\1785\ACTIVE\178568003\GEOTECHNICAL\066C00079N\DRAWING\066C00079N.DWG

 Restore Renew Replace	GRAPHIC SCALE: 1" = 50'		BRIDGING KENTUCKY	
	DATE: 06/07/2019		BRIDGE: 066C00079N	PAGE NO. -
	DRAWN BY: TJ	CKD. BY: DLB	SHEET: CR- 1271 OVER MIDDLE FORK LESLIE COUNTY, KY	FIG. NO. -
	STANTEC JOB NO.: 178568003			
	FILE NAME:			

APPENDIX B

TYPED BORING LOGS

Project ID: <u>178568003</u>		<u>Statewide - Various</u>			Project Type: <u>Structure Bridge</u>			
Item Number: <u>Statewide</u>					Project Manager: <u> </u>			
Hole Number <u>066C00079N-1</u>		Immediate Water Depth <u>NA</u>		Start Date <u>05/21/2019</u>		Hole Type <u>core and sample</u>		
Surface Elevation <u>1063.8'</u>		Static Water Depth <u>NA</u>		End Date <u>05/21/2019</u>		Rig Number <u>45B</u>		
Total Depth <u>33.0'</u>		Driller <u>danny jessie</u>		Latitude(83) <u>37.006023</u>				
Location <u>+ 'Lt.</u>				Longitude(83) <u>-83.431086</u>				
Lithology		Overburden	Sample No.	Depth (ft)	Rec. (ft)	SPT Blows	Sample Type	Remarks
Elevation	Depth	Rock Core	Std/Ky RQD	Run (ft)	Rec (ft)	Rec (%)	SDI (JS)	
5 10 15 1048.8	15.0	Soft to medium stiff, brown, damp, clay with sand and cobbles.						5 10 15
			1	5.0-6.5	1.5	1-1-1	SPT	
			2	10.0-11.5	1.5	14-7-5	SPT	
15	1048.8	(Begin Core)						15
18.0	1045.8	Light brown sandstone, weathered, (fine grained).	0 / 0	3.0	0.8	27		18.0
20 25 30 1030.8	33.0	Gray sandstone, (thick bedded, fine grained).	0 / 0	5.0	1.0	20		20
			60 / 60	5.0	4.9	98		23.0
			78 / 78	5.0	5.0	100		28.0
30	1030.8							30
33.0								33.0
35 40 45		(Bottom of Hole 33.0')						35 40 45 50

APPENDIX C

LABORATORY DATA SHEETS



Moisture Content of Soil

AASHTO T 265

Project Name Bridging KY

Project Number 178568003
Tested By DB

Test Method AASHTO

Maximum Particle Size in Sample	No. 40	No. 4	1/2"	1"	2"
Recommended Minimum Mass (g)	10	100	300	500	1,000

Material Type: Stratified, Laminated, Lensed, Homogeneous, Disturbed

Source	Lab ID	Date Tested	Material Type	Maximum Particle Size	Material Excluded Amount	Pass Min. Mass? (Y/N)	Can Weight (g)	Wet Soil & Can Weight (g)	Dry Soil & CanWeight (g)	Moisture Content (%)
066C00079N-1, 5.0'-6.5'	492	5/31/19	Hom	1"		No	22.02	56.08	54.19	5.9
066C00079N-1, 10.0'-11.5'	493	5/31/19	Hom	2"		No	20.36	64.68	59.29	13.8

Comments

Reviewed By RJ



Summary of Soil Tests

Project Name

Bridging KY

Source

066C00079N-1, 5.0'-6.5', 10.0'-11.5'

Project Number

178568003

Lab ID

491

Sample Type

SPT Composite

Date Received

5-28-19

Date Reported

6-11-19

Test Results

Natural Moisture Content

Test Not Performed

Moisture Content (%): N/A

Particle Size Analysis

Preparation Method: AASHTO T 87

Gradation Method: AASHTO T 88

Hydrometer Method: AASHTO T 88

Particle Size		% Passing
Sieve Size	(mm)	
	N/A	
	N/A	
2"	50	100.0
1"	25	85.9
3/4"	19	67.1
3/8"	9.5	64.2
No. 4	4.75	61.2
No. 10	2	57.7
No. 40	0.425	51.9
No. 200	0.075	20.4
	0.02	12.3
	0.005	8.1
	0.002	5.4
estimated	0.001	3.9

Plus 3 in. material, not included: 0 (%)

Range	ASTM (%)	AASHTO (%)
Gravel	38.8	42.3
Coarse Sand	3.5	5.8
Medium Sand	5.8	---
Fine Sand	31.5	31.5
Silt	12.3	15.0
Clay	8.1	5.4

Atterberg Limits

Test Method: AASHTO T 89 & T 90

Prepared: Dry

Liquid Limit: NP

Plastic Limit: NP

Plasticity Index: NP

Activity Index: N/A

Moisture-Density Relationship

Test Not Performed

Maximum Dry Density (lb/ft³): N/A

Maximum Dry Density (kg/m³): N/A

Optimum Moisture Content (%): N/A

Over Size Correction %: N/A

California Bearing Ratio

Test Not Performed

Bearing Ratio (%): N/A

Compacted Dry Density (lb/ft³): N/A

Compacted Moisture Content (%): N/A

Specific Gravity

Test Method: AASHTO T 100

Prepared: Dry

Particle Size: No. 10

Specific Gravity at 20° Celsius: 2.65

Classification

Unified Group Symbol: SM

Group Name: Silty sand with gravel

AASHTO Classification: A-2-4 (0)

Comments:

Reviewed By

RJ



Particle-Size Analysis of Soils

AASHTO T 88

Project Name
Source

Bridging KY
066C00079N-1, 5.0'-6.5', 10.0'-11.5'

Project Number
Lab ID

178568003
491

Sieve analysis for the Portion Coarser than the No. 10 Sieve

Test Method
Prepared using

AASHTO T 88
AASHTO T 87

Particle Shape
Particle Hardness:

Rounded and Angular
Hard and Durable

Tested By
Test Date
Date Received

DB
06-01-2019
05-28-2019

Sieve Size	% Passing
2"	100.0
1"	85.9
3/4"	67.1
3/8"	64.2
No. 4	61.2
No. 10	57.7

Maximum Particle size: 2" Sieve

Analysis for the portion Finer than the No. 10 Sieve

Analysis Based on -3 inch fraction only

Specific Gravity

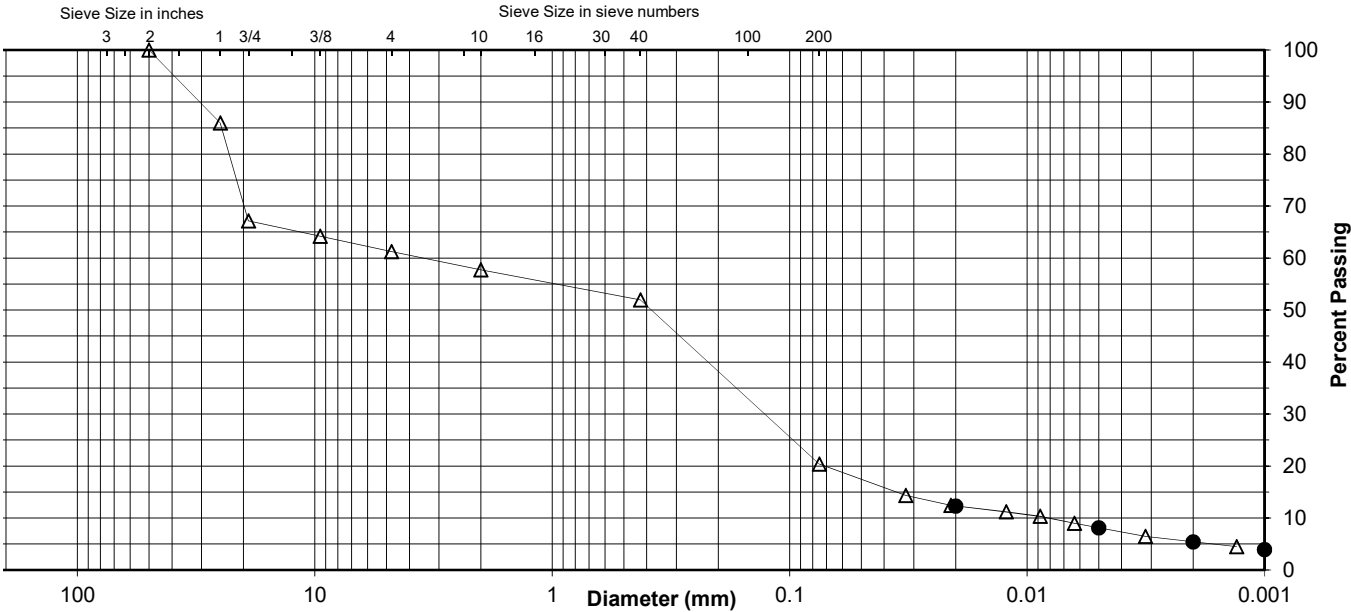
2.65

Dispersed using Apparatus A - Mechanical, for 1 minute

No. 40	51.9
No. 200	20.4
0.02 mm	12.3
0.005 mm	8.1
0.002 mm	5.4
0.001 mm	3.9

Particle Size Distribution

ASTM	Coarse Gravel	Fine Gravel	C. Sand	Medium Sand	Fine Sand	Silt	Clay
	32.9	5.9	3.5	5.8	31.5	12.3	8.1
AASHTO	Gravel		Coarse Sand		Fine Sand	Silt	Clay
	42.3		5.8		31.5	15.0	5.4



Comments

Reviewed By



ATTERBERG LIMITS

Project
Source

Bridging KY
066C00079N-1, 5.0'-6.5', 10.0'-11.5'

Project No.
Lab ID
% + No. 40
Date Received

178568003
491
48
05-28-2019

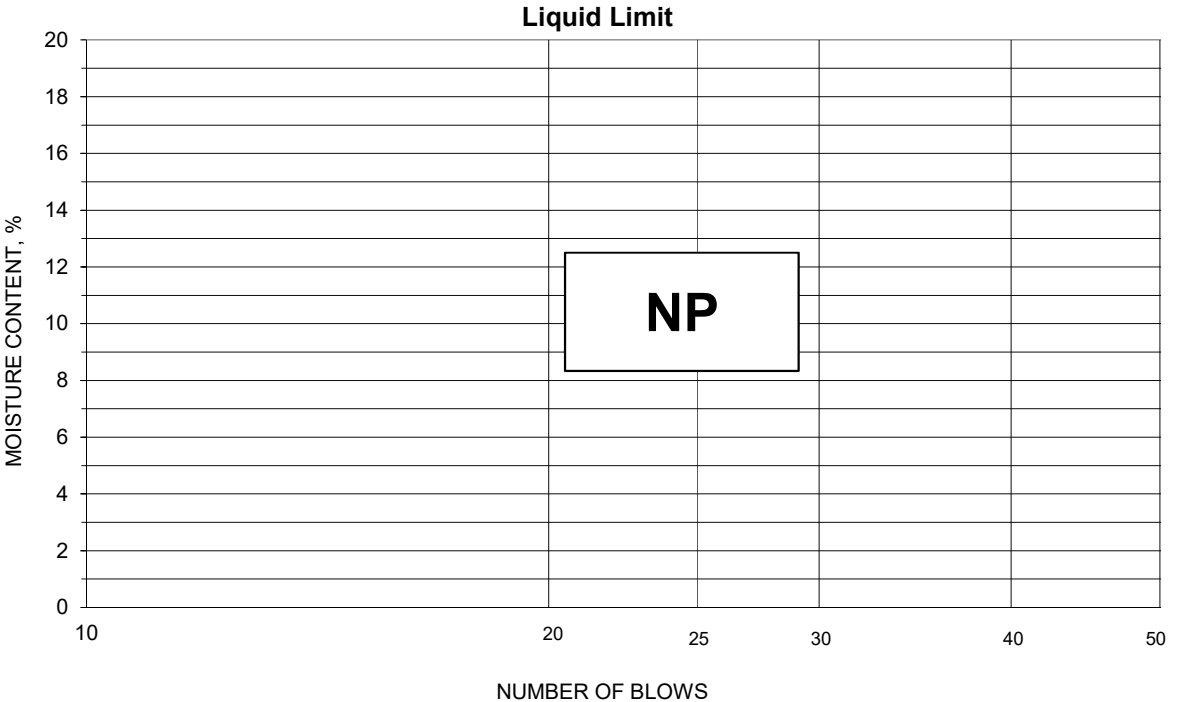
Tested By
Test Date

KWS
06-03-2019

Test Method
Prepared

AASHTO T 89 & T 90
Dry

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Number of Blows	Water Content (%)	Liquid Limit



PLASTIC LIMIT AND PLASTICITY INDEX

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Water Content (%)	Plastic Limit	Plasticity Index

Remarks:

Reviewed By

Report of Geotechnical Exploration

066C00088N
Bridge over Greasy Creek
Leslie County, Kentucky



Prepared by:
Stantec Consulting Services Inc.
Lexington, Kentucky

April 28, 2020



Stantec Consulting Services Inc.
3052 Beaumont Centre Circle, Lexington KY 40513-1703

April 28, 2020
File: rpt_001_let_178568003

Attention: Ms. Heather Lawler, PE
Bridging Kentucky Area 6 Team Lead
Stantec
3052 Beaumont Centre
Lexington, Kentucky 40513

Reference: Report of Geotechnical Exploration
066C00088N
Bridge over Greasy Creek
Leslie County, Kentucky

Dear Ms. Lawler,

Stantec Consulting Services Inc. (Stantec) is submitting the geotechnical engineering report for the referenced structure with this letter. This report presents results of the field exploration along with our recommendations for the design and construction for the referenced bridge. As always, we enjoy working with your staff and if we can be of further assistance, please contact our office.

Sincerely,

STANTEC CONSULTING SERVICES INC.

Adam Crace, PE
Project Manager
Phone: (859) 422-3084
Fax: (859) 422-3100
Adam.crace@stantec.com

/rws

REPORT OF GEOTECHNICAL EXPLORATION

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1.0 INTRODUCTION

The Kentucky Transportation Cabinet (KYTC) has initiated the Bridging Kentucky program. The purpose of the program is to rehabilitate or replace over 1,000 bridges across the state. Bridges that have been identified to be a part of the program are structures that, because of their deteriorating conditions and resulting low load ratings, are limiting the movement of people and freight across the state.

This report addresses the geotechnical considerations for Bridge 066C00088N, Bridge over Greasy Creek which is in Leslie County, Kentucky. The bridge location is presented on Figure 1 below.

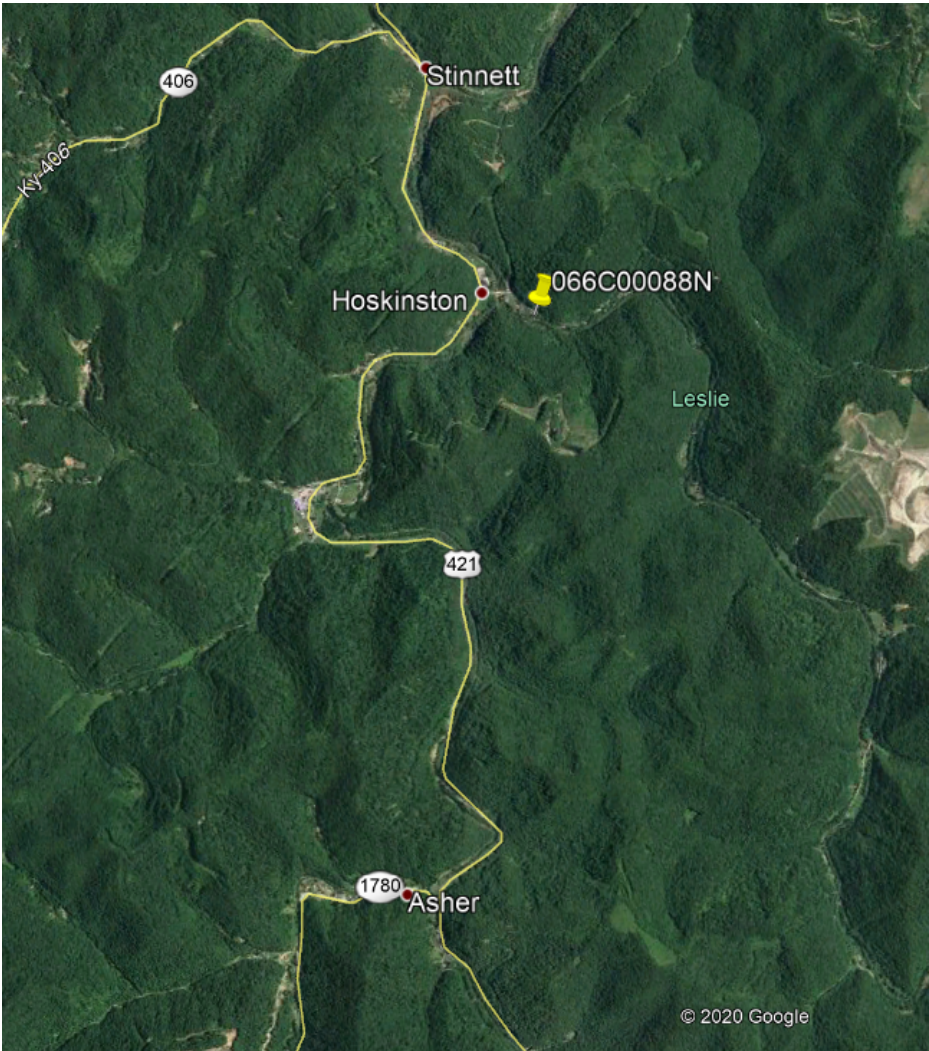


Figure 1 – Google Image showing Project Site.

REPORT OF GEOTECHNICAL EXPLORATION

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2.0 SITE TOPOGRAPHY AND GEOLOGIC CONDITIONS

The project site is situated on the Geologic Map of the Hoskinston Quadrangle, Kentucky (GQ-1456). Based on the review of this geologic map, the project is underlain by alluvium followed by the Hyden Formation which is a part of the Breathitt Formation. The alluvium consists of sand, silt, clay and gravel. The Hyden Formation of the Middle Pennsylvanian geologic period consists primarily of cyclic sequences of sandstones, siltstones, shales, and coals. Sandstones are described as being light- to medium gray, predominately very fine- to medium-grained, cross-bedded and ripple-bedded in places, thin- to thick-bedded, clayey and silty. Siltstones are described as light- to dark gray, commonly thin-bedded, ripple-bedded in places, and occurring mostly as thin transitional zones between sandstone and shale. Shales are typically medium- to dark-gray, and predominantly silty, but clayey in places.

No detrimental geologic features are noted by the available mapping within the immediate vicinity of the proposed bridge.

3.0 FIELD INVESTIGATION

A geotechnical exploration was conducted in February of 2020 which consisted of one subsurface boring, designated herein as 066C00088N-2. Boring 066C00088N-1 was not drilled because of the weight limit of the bridge. The boring location and surface elevation were obtained by the Bridging Kentucky TEAM and is presented in Appendix A. Table 1 provides a summary of the location, elevation, and depth of the boring drilled for the proposed bridge.

Table 1 Bridge over Greasy Creek – Summary of Boring

Hole No.	Latitude	Longitude	Surface Elevation (ft.) MSL	Top of Rock/Refusal		Begin Core		Bottom of Hole	
				Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL
066C00088N -2	37.075708	-83.390100	913.0	20.5	892.5	20.5	892.5	35.5	877.5

The drill crew operated a truck-mounted drill rig equipped with hollow-stem augers as well as wire line coring tools. The field personnel generally performed soil sampling at five-foot intervals of depth to obtain in situ strength data and specimens for subsequent laboratory strength and/or classification testing. Standard penetration testing (SPT) was conducted at the boring location.

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4.0 SUBSURFACE CONDITIONS

In general, the subsurface materials observed in the sample boring consist primarily of brown gravel with clay, silt and sand that was moist and very loose to loose. Standard penetration test blow counts (N) in soil material ranged from 4 to 13 blows per foot. Higher blow counts were observed at/near the bedrock interface. The soil thickness encountered was 20.5 feet at the boring location.

Based upon the rock coring performed, the top of bedrock was encountered at an elevation of 892.5 feet. Bedrock specimens recovered from coring operations consist of shale. A detailed typed log of the boring is presented in Appendix B.

Observation wells were not installed. Groundwater was not encountered at the time of drilling. Groundwater can be expected to be encountered at the level of Greasy Creek. Groundwater levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall or other factors.

5.0 LABORATORY TESTING AND RESULTS

Stantec performed laboratory testing on soil samples from the boring. All laboratory tests were performed in accordance with the applicable AASHTO or Kentucky Methods soil and rock testing specifications. Laboratory testing consisted of natural moisture content, grain size-sieve analyses (silt plus clay determinations), and soil classification index testing.

The SPT soil samples tested classified as GP-GM according to USCS and A-1-a on the AASHTO classification system. Results of the laboratory testing are also presented in Appendix C.

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6.0 ENGINEERING ANALYSES

6.1 GENERAL

This project will consist of replacing the existing bridge. No significant grading efforts are planned, as such, embankment stability or settlement analyses have been not performed. Any grading requirements or material placement that may be needed should be placed at 2H:1V slopes or flatter. Based on a combination of existing conditions and anticipated grades, recommendations for both spread footings or H-piles bearing on rock are being provided for support of the end bents of the subject structure.

6.2 BEARING CAPACITY FOR SPREAD FOOTINGS ON BEDROCK

Upon review of the boring log, spread footings are anticipated if an intermediate pier is used and could be used at the end bent locations. Evaluating the rock core log and the quality of the bedrock encountered, a presumptive bearing resistance of 20,000 psf on unweathered bedrock is being recommended at the substructure locations in accordance with NAVFAC DM 7.2, page 7.2-142 for spread footings bearing on sedimentary rock at the service limit state.

Additional evaluation will be necessary if the designer's analyses of the nominal bearing resistance indicate the strength or extreme limit states control the footing design.

6.3 STEEL H-PILE ANALYSES

6.3.1 Pile Capacity

Based upon depths to top of rock, steel H-piles driven to bedrock could be used but will require pre-drilling to achieve the minimum length. As noted in Sections 3 and 4 of this report, existing foundation soils at the end bent location are 20.5 feet thick. Due to the nature of the soil deposits and the subsurface conditions observed at the site, an axial resistance factor (ϕ_c) of 0.6 is recommended for good driving conditions as outlined in Section 6.5.4.2 of the current LRFD Design Specifications. Using $\phi_c = 0.6$, the estimated total factored axial resistance for 12x53 H-piles is 465.0 kips.

6.3.2 Hammer Energy

Static pile analyses were conducted to estimate the ultimate driving resistance that 12-inch steel H-piles would experience during the installation process. Drivability analyses were performed at the End Bent locations. The analyses were performed using guidelines presented in the FHWA "Soils and Foundations Workshop Manual".

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The soil column contributing to driving resistance at the End Bent locations includes existing embankment material and foundation soils down to rock. The pile is estimated to encounter gravel with clay, silt and sand down to bedrock. The results of FHWA research and other literature regarding pile installation indicate that significant reductions in skin resistances occur during pile driving, primarily due to the dynamics of the installation process. Soils are remolded and pore water pressures apparently increase, causing reductions in shear strengths. The driving resistances were estimated under the condition that no interruptions, and therefore no pile "set" characteristics would be experienced during the driving process.

The drivability analyses were conducted using the GRLWEAP (Version 2010) computer program for steel H-piles driven to bedrock. To perform the drivability analyses, two situations were modeled. The first one involved determining the minimum hammer energy which would drive the H-piles to refusal on bedrock without excessive blows, and which would achieve the maximum allowable pile capacity. This condition would show the minimum hammer energy necessary to seat the piles on bedrock. The second part of the analyses would determine what the maximum hammer energy can be to drive the piles to refusal, and one which would not damage the pile upon achieving refusal on bedrock. The FHWA publication titled "Soils and Foundations Workshop Manual-Second Edition" defines a reasonable range of hammer blows to be between 30 and 144 blows per foot for a steel H-pile. The results of the drivability analyses indicate that a hammer with a minimum energy of 10.5 foot-kips and a maximum energy of 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles.

7.0 FOUNDATION SYSTEM RECOMMENDATIONS

Stantec developed the following recommendations based upon reviews of available data, information obtained during the field exploration, results of laboratory testing and engineering analyses, and discussions with TEAM personnel.

7.1 GENERAL

7.1.1. Based on a review of the existing subsurface conditions and anticipated structural loads, it is recommended that rock bearing foundation systems be used for all bridge substructure elements. The following table provides possible foundation alternates using the following notations.

1. = Spread Footings
2. = Pre-Drilled H-Piles

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The foundation alternates shown below are those Stantec considers being most practical. However, other structural and/or economic considerations may dictate which option is most preferable.

Boring No.	Latitude	Longitude	Foundation Alternate	Top of Rock Elevation (feet)
066C00088N -2	37.075708	-83.390100	1,2	892.5

7.1.2. Foundation excavations should be properly braced/shored to provide adequate safety to people working in or around the excavations. Bracing should be performed in accordance with applicable federal, state and local guidelines.

7.1.3. **A plan note should be included by the designer** that indicates that temporary shoring, sheeting, cofferdams, and/or dewatering methods may be required to facilitate foundation construction. It should be anticipated that groundwater will be encountered at foundation locations within the flood plain.

7.2 SPREAD FOOTING FOUNDATIONS

7.2.1. Rock-bearing spread footing options are being provided for both abutment substructure elements. Foundation excavations for footings at the structure locations should be level and free of loose, water softened material, etc. Additional rock excavation to achieve suitable bearing conditions may be required depending upon topography and bedrock weathering conditions.

7.2.2. **A plan note should be included by the designer** that indicates that solid rock excavation will be required for installation of the substructure's spread footings. The contractor shall take care during blasting and other excavation methods to avoid over-breakage and damage to the bedrock beneath the footings.

7.2.3. **A plan note should be included by the designer** that indicates that the bearing elevation of footings may be adjusted at the discretion of the Engineer if competent, unweathered bedrock is found at a higher elevation than specified for the respective substructure element. The top of new spread footings should be fully embedded into unweathered bedrock. The plan note should also state that the base of new footings must be placed on unweathered bedrock.

7.2.4. Prior to placement of any concrete or reinforcing steel in a foundation excavation, the excavation bottom should be clean and all soft, wet, or loose materials should be removed. In no case should concrete be placed upon compressible or water-softened materials.

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7.2.5. **A plan note should be included by the designer** indicating that footings should be placed as soon as practical after completion of the footing excavation. If the bedrock becomes softened at bearing elevation, the softened material should be undercut to unweathered material prior to placement of reinforcing steel and concrete. Seasonal groundwater fluctuations may cause groundwater infiltration into the footing excavation, and a dewatering method may be necessary.

7.2.6. Any clay seams or suspect weak materials at or near the bearing elevation will need to be undercut and replaced with mass concrete.

7.2.7. Mass concrete shall be placed in the footing excavations from the top of footing to the bedrock surface where the footing does not extend to the bedrock surface.

7.3 STEEL H-PILE FOUNDATIONS

7.3.1. The following notes provide recommendations applicable at the substructure element locations. It is estimated that pre-drilled 12x53 H-pile foundations may be used for supporting the new bridge substructure elements.

7.3.2. **A plan note should be included by the designer** which states the following hammer criteria: At the End Bent locations, a diesel pile driving hammer with a rated energy between 10.5 foot-kips and 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles. The Contractor shall submit the proposed pile driving system to the Engineer for approval prior to the installation of the first pile. Approval of the pile driving system by the Engineer will be subject to satisfactory field performance of the pile driving procedures.

7.3.3. Stantec understands that end bearing piles are being driven to a practical refusal. **A plan note should be included by the designer** which indicates: For this project, minimum blow requirements may be reached after total penetration becomes 1/2 inch or less for ten consecutive blows, practical refusal is obtained after the pile is struck an additional ten blows with total penetration of 1/2 inch or less. Advance the production piling to the driving resistances specified above and to depths determined by test pile(s) and subsurface data sheet(s). Immediately cease driving operations if the pile visibly yields or becomes damaged during driving.

7.3.4. **A plan note should be included by the designer** to address pre-drilling for piles at both end bent locations to the estimated bearing elevation. Where pre-drilling is necessary for pile installation, holes shall be drilled into solid rock. A minimum pile length of 10 feet is required below the pile bent/pile cap. Backfill the holes with sand or pea gravel after the pile is placed in the hole. A temporary casing may be required to prevent collapse of the hole. If used, remove the casing as the hole is being backfilled. Drive piles to refusal after backfilling operations are complete. Include the cost of all materials, labor, and equipment needed to pre-drill, backfill the holes, and drive the piles to refusal in the price per linear foot for "Pre-drilling for Piles".



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7.3.5. The design and installation of the pile foundations should conform to current AASHTO LRFD Bridge Design Specifications, and Section 604 of the current edition of the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction.

7.3.6. The Kentucky Transportation Cabinet recommends that protective pile points be used on end bearing piles to allow for embedment into the top of bedrock. Use of reinforced pile points capable of penetrating boulders and hard layers which may be encountered is recommended. Installation of pile points should be in accordance with Section 604 of the Kentucky Standard Specifications for Road and Bridge Construction, current edition. If the pile piles are pre-drilled pile points are not required.

7.3.7. The AASHTO LRFD Bridge Design Specifications recommend a resistance factor for horizontal geotechnical resistance of a single pile or pile group of 1.0 for lateral capacity analyses.

7.3.8. The 2014 AASHTO LRFD Bridge Design Specifications recommends axial resistance factors based on pile driving conditions (good or severe driving conditions). Based on the general subsurface conditions encountered across the project, it is anticipated that there will be good pile driving conditions. Therefore, it is recommended that the axial resistance of piles in compression (ϕ_c) used in design be 0.60. Further, the combined axial and flexural resistance factors for design should be $\phi_c = 0.70$ and $\phi_f = 1.00$ as noted in Section 6.5.4.2 of the referenced AASHTO specifications.

8.0 CLOSING

8.1. The conclusions and recommendations presented herein are based on data and subsurface conditions from the boring drilled during this geotechnical exploration using that degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession. No warranties can be made regarding the continuity of conditions between borings.

8.2. General soil and rock descriptions and indicated boundaries are based on an engineering interpretation of all available subsurface information and may not necessarily reflect the actual variation in subsurface conditions between borings and samples.

8.3. The observed water levels and/or conditions indicated on the boring log was recorded at the time of exploration. These water levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall, tail water elevations or other factors and are otherwise dependent on the duration of and methods used in the exploration program.

8.4. Stantec exercised sound engineering judgment in preparing the subsurface information presented herein. This information has been prepared and is intended for design and estimating

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purposes. Its presentation on the plans or elsewhere is for the purpose of providing intended users with access to the same information. This subsurface information interpretation is presented in good faith and is not intended as a substitute for independent interpretations or judgments of the Contractor.

8.5. All structure details shown herein are for illustrative purposes only and may not be indicative of the final design conditions shown in the contract plans.

APPENDIX A SITE MAP



LEGEND

 SOIL BORING WITH UNDISTURBED (SHELBY) TUBE SAMPLES
AND/OR STANDARD PENETRATION TESTS AND ROCK CORE

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PLOT DATE: 03/12/2020 USER: FLYNN, RENEE
V:\1785\ACTIVE\178568003\GEOTECHNICAL\066C00088N\DRAWING\066C00088N.DWG

 Restore Renew Replace	GRAPHIC SCALE: 1" = 50'		BRIDGING KENTUCKY	
	DATE: 3/12/2020		BRIDGE: 066C00088N	PAGE NO. -
	DRAWN BY: JRF	CKD. BY: DLB	SHEET: BRIDGE OVER GREASY CREEK LESLIE COUNTY, KY	FIG. NO. -
	STANTEC JOB NO.: 178568003			
	FILE NAME:			

APPENDIX B TYPED BORING LOG

Project ID: 178568003		Statewide - Various			Project Type: Structure Bridge			
Item Number: Statewide					Project Manager: _			
Hole Number 066C00088N-2		Immediate Water Depth (02/21/20)		Start Date 02/21/2020		Hole Type core and sample		
Surface Elevation 913.0'		Static Water Depth NA		End Date 02/21/2020		Rig Number 45C		
Total Depth 35.5'		Driller Kent Clements		Latitude(83) 37.075708				
Location + 'Lt.				Longitude(83) -83.390100				
Lithology		Overburden	Sample No.	Depth (ft)	Rec. (ft)	SPT Blows	Sample Type	Remarks
Elevation	Depth	Rock Core	Std/Ky RQD	Run (ft)	Rec (ft)	Rec (%)	SDI (JS)	
5 908.0	5.0	Loose, brown, moist, gravel with clay and sand.	1	2.0-3.5	0.5	7-5-5	SPT	
			2	5.0-6.5	0.8	3-2-2	SPT	
10 15		Very loose to medium dense, brown to gray, moist, gravel with silt and sand.	3	10.0-11.5	0.4	5-3-3	SPT	10 15
			4	15.0-16.5	0.4	4-6-7	SPT	
20 892.5	20.5	(Begin Core)	5	20.0-20.5	0.5	50/0.50'	SPT	20
25 30		Dark gray to black shale, (slightly to moderately weathered, carbonaceous, contains some soft sediment deformation (clay nodules), micaceous).	0 / 0	5.0	4.9	98		25.5 30.5 SDI sample #1 @ 28.2-29.2
			0 / 0	5.0	5.0	100		
			40 / 40	5.0	5.0	100		
35 877.5	35.5	Light gray to dark gray shale (siltstone), (very fine to fine grained, slightly weathered, some interbedding, carbonaceous stringers/partings throughout, micaceous).						35.5
40		(Bottom of Hole 35.5')						40
45								45
50								50

APPENDIX C

LABORATORY DATA SHEETS



Moisture Content of Soil
AASHTO T 265

Project Name Bridging KY - 066C00088N

Project Number 178568003
Tested By TRH

Test Method AASHTO

Maximum Particle Size in Sample	No. 40	No. 4	1/2"	1"	2"
Recommended Minimum Mass (g)	10	100	300	500	1,000

Material Type: Stratified, Laminated, Lensed, Homogeneous, Disturbed

Source	Lab ID	Date Tested	Material Type	Maximum Particle Size	Material Excluded Amount	Pass Min. Mass? (Y/N)	Can Weight (g)	Wet Soil & Can Weight (g)	Dry Soil & CanWeight (g)	Moisture Content (%)
066C00088N-2, 2.0'-3.5'	1113	3/12/20	Dist	1/2"		No	300.15	553.40	516.49	17.1
066C00088N-2, 5.0'-6.5'	1115	3/12/20	Dist	2"		No	46.88	142.38	135.03	8.3
066C00088N-2, 10.0'-11.5'	1116	3/12/20	Dist	1"		No	44.45	96.78	92.07	9.9
066C00088N-2, 15.0'-16.5'	1118	3/12/20	Dist	1"		No	306.52	580.62	557.56	9.2
066C00088N-2, 20.0'-20.5'	1119	3/12/20	Len	No. 4		Yes	44.36	178.86	172.92	4.6

Comments

Reviewed By

RJ



Gradation Analysis

AASHTO T 88

Project Name Bridging KY - 066C00088N

Source 066C00088N-2, 2.0'-3.5'

Preparation Method AASHTO T 11 Method A

Soak Time (min) 110

Particle Shape Angular

Particle Hardness Hard and Durable

Sample Dry Mass (g) 216.34

Moisture Content (%) 17.1

Project Number 178568003

Lab ID 1113

Date Received 03-05-2020

Preparation Date 03-12-2020

Test Date 03-18-2020

Analysis based on total sample.

Sieve Size	Grams Retained	% Retained	% Passing
3/4"	0.00	0.0	100.0
3/8"	66.55	30.8	69.2
No. 4	19.90	9.2	60.0
No. 10	10.73	5.0	55.1
No. 40	17.33	8.0	47.1
No. 200	57.15	26.4	20.7
Pan	44.68	20.7	---

% Gravel 44.9

% Sand 34.4

% Fines 20.7

Fines Classification N/A

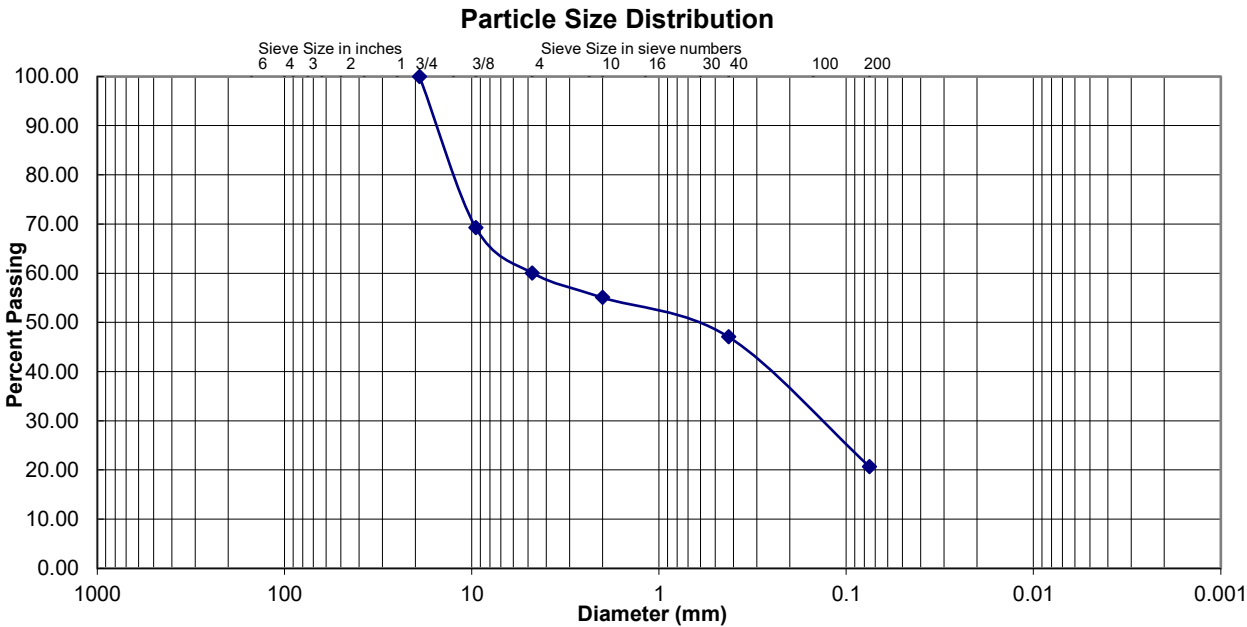
D₁₀ (mm) N/A

D₃₀ (mm) N/A

D₆₀ (mm) N/A

Cu N/A

Cc N/A



Comments

Reviewed By RJ



Summary of Soil Tests

Project Name	Bridging KY - 066C00088N	Project Number	178568003
Source	066C00088N-2, 5.0'-6.5', 10.0'-11.5'	Lab ID	1114
Sample Type	SPT Composite	Date Received	3-5-20
		Date Reported	4-1-20

Test Results

Natural Moisture Content

Test Not Performed

Moisture Content (%): N/A

Particle Size Analysis

Preparation Method: AASHTO T 87

Gradation Method: AASHTO T 88

Hydrometer Method: AASHTO T 88

Particle Size		% Passing
Sieve Size	(mm)	
	N/A	
	N/A	
2"	50	100.0
1"	25	93.8
3/4"	19	78.3
3/8"	9.5	58.9
No. 4	4.75	46.2
No. 10	2	40.2
No. 40	0.425	22.2
No. 200	0.075	6.6
estimated	0.02	3.8
	0.005	2.3
	0.002	1.4
	0.001	0.8

Plus 3 in. material, not included: 0 (%)

	ASTM	AASHTO
Range	(%)	(%)
Gravel	53.8	59.8
Coarse Sand	6.0	18.0
Medium Sand	18.0	---
Fine Sand	15.6	15.6
Silt	4.3	5.2
Clay	2.3	1.4

Atterberg Limits

Test Method: AASHTO T 89 & T 90

Prepared: Dry

Liquid Limit: NP

Plastic Limit: NPPlasticity Index: NP

Activity Index: N/A

Moisture-Density Relationship

Test Not Performed

Maximum Dry Density (lb/ft³): N/A

Maximum Dry Density (kg/m³): N/A

Optimum Moisture Content (%):	N/A
-------------------------------	-----

Over Size Correction %: N/A

California Bearing Ratio

Test Not Performed

Bearing Ratio (%): N/A

Compacted Dry Density (lb/ft ³):	N/A
--	-----

Compacted Moisture Content (%):	N/A
---------------------------------	-----

Specific Gravity

Test Method: AASHTO T 100

Prepared: Dry

Particle Size: No. 10

Specific Gravity at 20° Celsius: 2.71

Classification

Unified Group Symbol: GP-GM

Group Name: Poorly graded gravel with silt and sand

AASHTO Classification: A-1-a (0)

Comments: _____

Reviewed By RJ



Particle-Size Analysis of Soils

AASHTO T 88

Project Name
Source

Bridging KY - 066C00088N
066C00088N-2, 5.0'-6.5', 10.0'-11.5'

Project Number
Lab ID

178568003
1114

Sieve analysis for the Portion Coarser than the No. 10 Sieve

Test Method
Prepared using

AASHTO T 88
AASHTO T 87

Particle Shape
Particle Hardness:

Rounded and Angular
Hard and Durable

Tested By
Test Date
Date Received

DW
03-23-2020
03-05-2020

Sieve Size	% Passing
2"	100.0
1"	93.8
3/4"	78.3
3/8"	58.9
No. 4	46.2
No. 10	40.2

Maximum Particle size: 2" Sieve

Analysis for the portion Finer than the No. 10 Sieve

Analysis Based on -3 inch fraction only

Specific Gravity

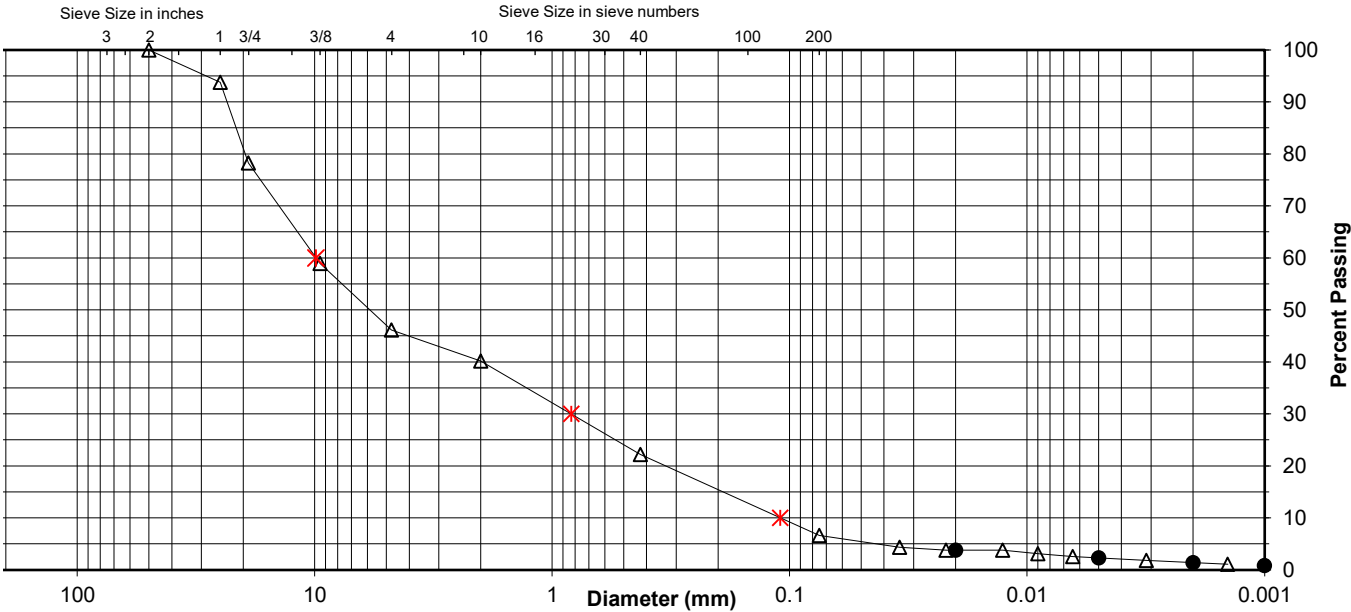
2.71

Dispersed using Apparatus A - Mechanical, for 1 minute

No. 40	22.2
No. 200	6.6
0.02 mm	3.8
0.005 mm	2.3
0.002 mm	1.4
0.001 mm	0.8

Particle Size Distribution

ASTM	Coarse Gravel	Fine Gravel	C. Sand	Medium Sand	Fine Sand	Silt	Clay
	21.7	32.1	6.0	18.0	15.6	4.3	2.3
AASHTO	Gravel			Coarse Sand	Fine Sand	Silt	Clay
	59.8			18.0	15.6	5.2	1.4



Comments

Reviewed By RJ



ATTERBERG LIMITS

Project
Source

Bridging KY - 066C00088N
066C00088N-2, 5.0'-6.5', 10.0'-11.5'

Project No.
Lab ID
% + No. 40
Date Received

178568003
1114
78
03-05-2020

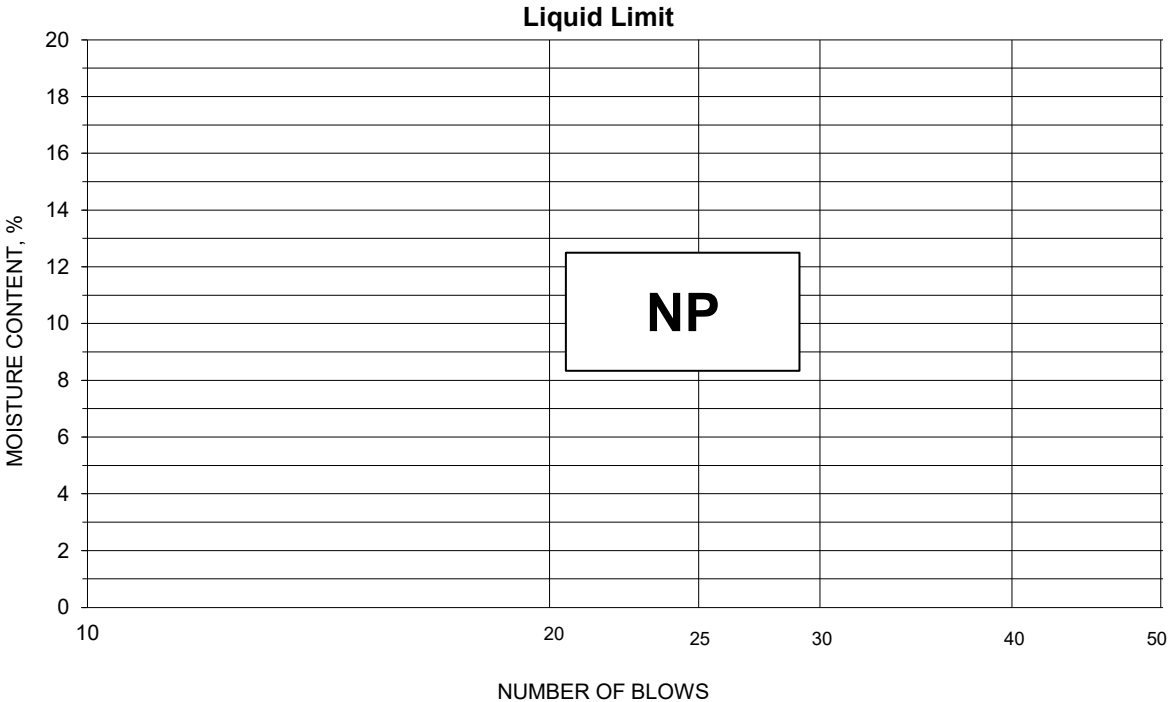
Tested By
Test Date

DB
03-30-2020

Test Method
Prepared

AASHTO T 89 & T 90
Dry

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Number of Blows	Water Content (%)	Liquid Limit



PLASTIC LIMIT AND PLASTICITY INDEX

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Water Content (%)	Plastic Limit	Plasticity Index

Remarks:

Reviewed By



Gradation Analysis

AASHTO T 88

Project Name Bridging KY - 066C00088N

Source 066C00088N-2, 15.0'-16.5'

Preparation Method AASHTO T 11 Method A

Soak Time (min) 130

Particle Shape Angular

Particle Hardness Hard and Durable

Sample Dry Mass (g) 251.04

Moisture Content (%) 9.2

Project Number 178568003

Lab ID 1118

Date Received 03-05-2020

Preparation Date 03-12-2020

Test Date 03-18-2020

Analysis based on total sample.

Sieve Size	Grams Retained	% Retained	% Passing
1"	0.00	0.0	100.0
3/4"	33.53	13.4	86.6
3/8"	51.03	20.3	66.3
No. 4	31.74	12.6	53.7
No. 10	11.96	4.8	48.9
No. 40	21.75	8.7	40.2
No. 200	60.43	24.1	16.2
Pan	40.60	16.2	---

% Gravel 51.1

% Sand 32.7

% Fines 16.2

Fines Classification N/A

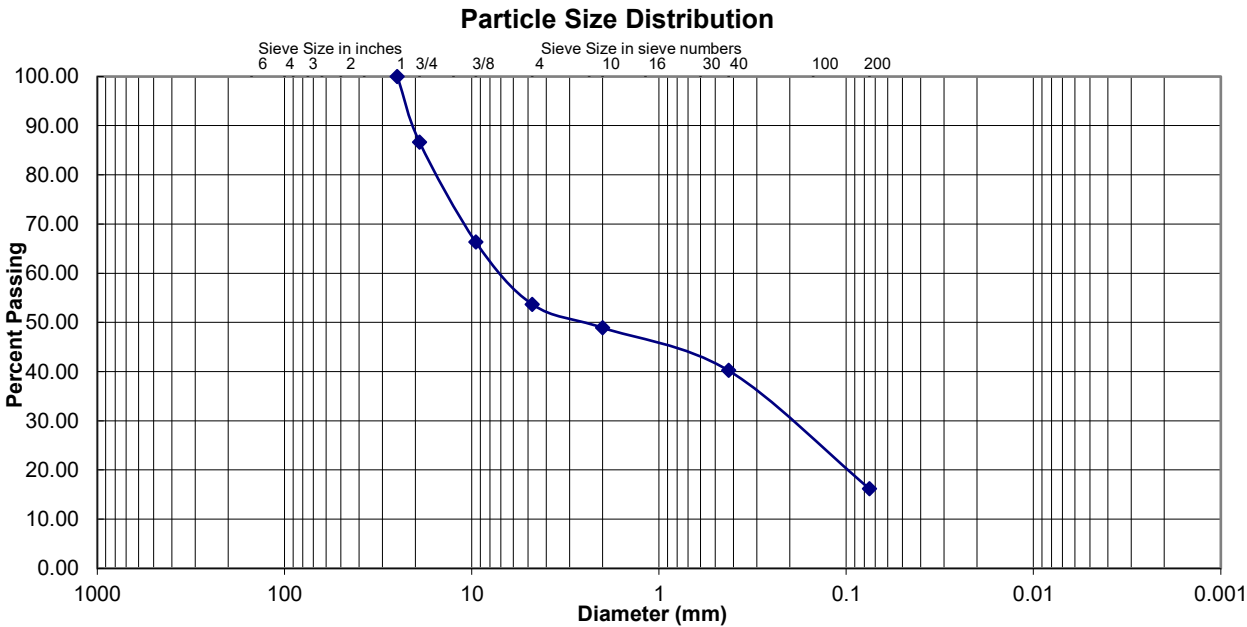
D₁₀ (mm) N/A

D₃₀ (mm) N/A

D₆₀ (mm) N/A

Cu N/A

Cc N/A



Comments

Reviewed By RJ



Slake Durability Index
KM 64 - 513

Project Name Bridging KY

Project Number 178568003

Lab ID	Source	Depth	Material Description	Fragment Description	Testing Dates	Initial Dry Wt. (g)	Final Dry Wt. (g)	SDI (%)	Jar Slake
1162	066C00088N-2	28.2'-29.2'	Shale, gray, moderately hard	Type I	03/12/2020 - 03/16/2020	532.37	505.00	94.9	5

Report of Geotechnical Exploration

066C00090N
CR 1210 over Middle Fork
Leslie County, Kentucky



Prepared by:
Stantec Consulting Services Inc.
Lexington, Kentucky

August 30, 2019



Stantec Consulting Services Inc.
3052 Beaumont Centre Circle, Lexington KY 40513-1703

August 30, 2019
File: rpt_001_let_178568003

Attention: Ms. Heather Lawler, PE
Bridging Kentucky Area 6 Team Lead
Stantec
3052 Beaumont Centre
Lexington, Kentucky 40513

Reference: Report of Geotechnical Exploration
066C00090N
CR 1210 over Middle Fork
Leslie County, Kentucky

Dear Ms. Lawler,

Stantec Consulting Services Inc. (Stantec) is submitting the geotechnical engineering report for the referenced structure with this letter.

This report presents results of the field exploration along with our recommendations for the design and construction for the referenced bridge. As always, we enjoy working with your staff and if we can be of further assistance, please contact our office.

Sincerely,

STANTEC CONSULTING SERVICES INC.



Adam Crace, PE
Project Manager
Phone: (859) 422-3084
Fax: (859) 422-3100
Adam.crace@stantec.com

/rws

REPORT OF GEOTECHNICAL EXPLORATION

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REPORT OF GEOTECHNICAL EXPLORATION

Introduction
August 30, 2019

1.0 INTRODUCTION

The Kentucky Transportation Cabinet (KYTC) has initiated the Bridging Kentucky program. The purpose of the program is to rehabilitate or replace over 1,000 bridges across the state. Bridges that have been identified to be a part of the program are structures that, because of their deteriorating conditions and resulting low load ratings, are limiting the movement of people and freight across the state.

This report addresses the geotechnical considerations for Bridge 066C00090N, CR 1210 over Middle Fork which is in Leslie County, Kentucky. The bridge location is presented on Figure 1 below.

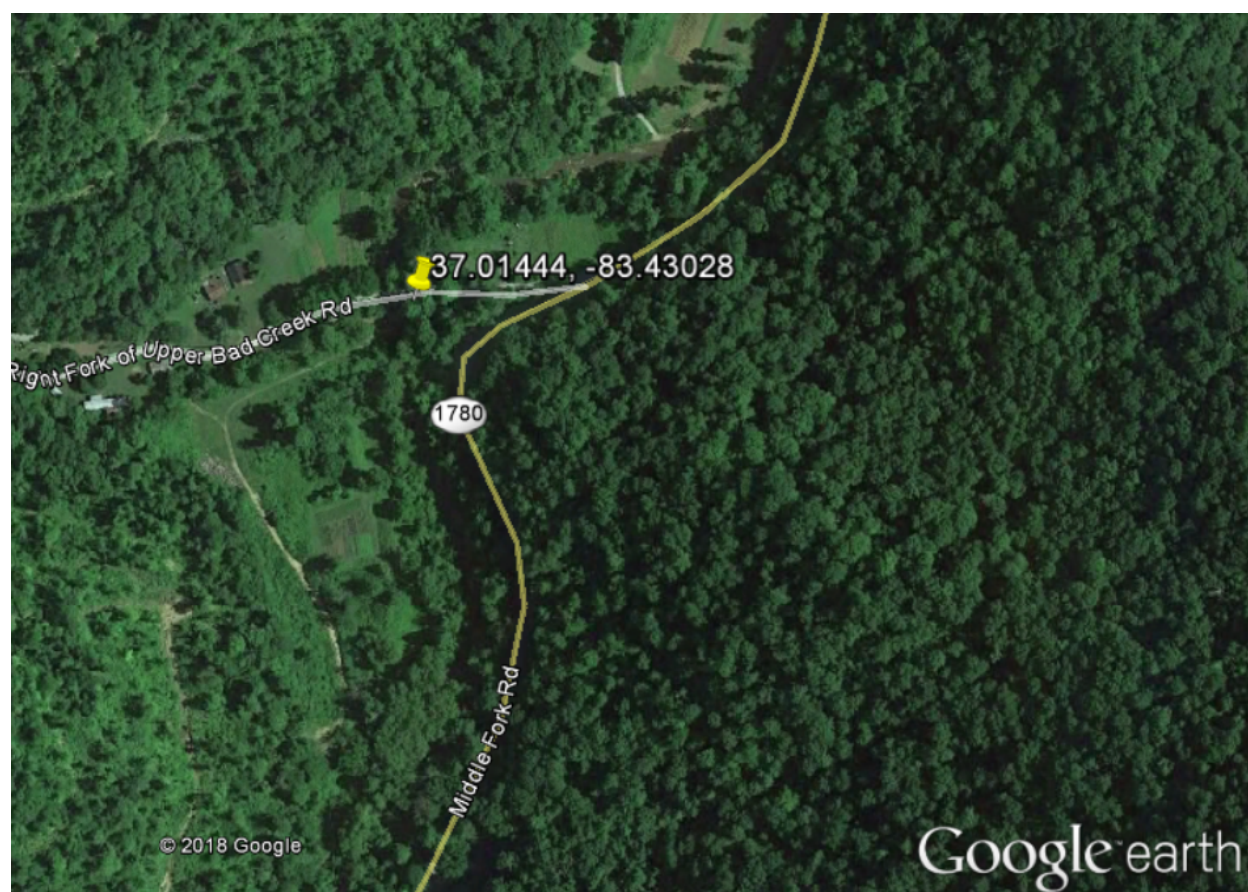


Figure 1 – Google Image showing Project Site.

REPORT OF GEOTECHNICAL EXPLORATION

Site Topography and Geologic Conditions
August 30, 2019

2.0 SITE TOPOGRAPHY AND GEOLOGIC CONDITIONS

The project site is situated on the Geologic Map of the Hoskinston Quadrangle, Kentucky (GQ-1456). Based on the review of this geologic map, the project is underlain by Alluvium followed by the Hyden Formation which is a part of the Breathitt Formation. The Alluvium consists of sand, silt, clay and gravel. The Hyden Formation of the Middle Pennsylvanian geologic period consists primarily of cyclic sequences of sandstones, siltstones, shales, and coals. Sandstones are described as being light- to medium-gray, predominately very fine- to medium-grained, cross-bedded and ripple-bedded in places, thin- to thick-bedded, clayey and silty. Siltstones are described as light- to dark-gray, commonly thin-bedded, ripple-bedded in places, and occurring mostly as thin transitional zones between sandstone and shale. Shales are typically medium- to dark-gray, and predominantly silty, but clayey in places.

No other detrimental geologic features are noted by the available mapping within the immediate vicinity of the proposed bridge.

3.0 FIELD INVESTIGATION

A geotechnical exploration was conducted in July of 2019 which consisted of one subsurface boring, designated herein as 066C00090N-1. The boring location and surface elevation were obtained by the Bridging Kentucky TEAM and are presented in Appendix A. Table 1 provides a summary of the location, elevation, and depth of the boring drilled for the proposed bridge.

Table 1 CR 1210 over Middle Fork – Summary of Boring

Hole No.	Latitude	Longitude	Surface Elevation (ft.) MSL	Top of Rock/Refusal		Begin Core		Bottom of Hole	
				Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL	Depth (ft.)	Elev. (ft.) MSL
066C00090N -1	37.014475	-83.430246	1049.1	25.4	1023.7	25.4	1023.7	36.8	1012.3

The drill crew operated truck-mounted drill rig equipped with hollow-stem and flight augers as well as wire line coring tools. The field personnel generally performed soil sampling at five-foot intervals of depth to obtain in situ strength data and specimens for subsequent laboratory strength and/or classification testing. Standard penetration testing (SPT) was conducted at the boring location.

REPORT OF GEOTECHNICAL EXPLORATION

Subsurface Conditions
August 30, 2019

4.0 SUBSURFACE CONDITIONS

In general, the subsurface materials observed in the sample boring consist primarily of brown silty sand with sandstone fragments that was damp to wet, and loose to very dense. Standard penetration test blow counts (N) in soil material ranged from 6 to 50 blows per foot. Soil thicknesses encountered were 25.4 feet at the bridge location.

Based upon the rock coring performed, the top of bedrock was encountered at an elevation of 1023.7 feet. Bedrock specimens recovered from coring operations consist of sandstone. A typed log of the boring is presented in Appendix B.

Observation wells were not installed. Groundwater was not encountered at the time of drilling. Groundwater can be expected to be encountered at the level of Middle Fork. Groundwater levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall or other factors.

5.0 LABORATORY TESTING AND RESULTS

Stantec performed laboratory testing on soil samples from the borings. All laboratory tests were performed in accordance with the applicable AASHTO or Kentucky Methods soil and rock testing specifications. Laboratory testing consisted of natural moisture content, grain size-sieve analyses (silt plus clay determinations), and soil classification index testing.

The SPT soil samples tested classified as SM according to USCS and A-2-4 on the AASHTO classification system. Results of the laboratory testing are also presented in Appendix C.

REPORT OF GEOTECHNICAL EXPLORATION

Engineering Analyses
August 30, 2019

6.0 ENGINEERING ANALYSES

6.1 GENERAL

This project will consist of replacing the existing bridge. No significant grading efforts are planned, as such, embankment stability or settlement analyses have been not performed. Any grading requirements or material placement that may be needed should be placed at 2H:1V slopes or flatter. Based on a combination of existing conditions and anticipated grades, H-piles bearing on rock are recommended for support of the subject structure.

6.2 STEEL H-PILE ANALYSES

6.2.1 Pile Capacity

Based upon depths to top of rock, steel H-piles driven to bedrock could be used. As noted in Sections 3 and 4 of this report, existing foundation soils at the end bent location is 25.4 feet thick. Due to the nature of the soil deposits and the subsurface conditions observed at the site, an axial resistance factor (ϕ_c) of 0.6 is recommended for good driving conditions as outlined in Section 6.5.4.2 of the current LRFD Design Specifications. Using $\phi_c = 0.6$, the estimated total factored axial resistance for 12x53 H-piles is 465.0 kips.

6.2.2 Hammer Energy

Static pile analyses were conducted to estimate the ultimate driving resistance that 12-inch steel H-piles would experience during the installation process. Drivability analyses were performed at the End Bent locations. The analyses were performed using guidelines presented in the FHWA "Soils and Foundations Workshop Manual".

The soil column contributing to driving resistance at the End Bent locations includes existing embankment material and foundation soils down to rock. The 25.4 feet of pile length (as measured from the anticipated base of the pile cap) is estimated to be silty sand with cobbles to bedrock. The results of FHWA research and other literature regarding pile installation indicate that significant reductions in skin resistances occur during pile driving, primarily due to the dynamics of the installation process. Soils are remolded and pore water pressures apparently increase, causing reductions in shear strengths. The driving resistances were estimated under the condition of no interruptions, and therefore no pile "set" characteristics would be experienced during the driving process.

The drivability analyses were conducted using the GRLWEAP (Version 2010) computer program for steel H-piles driven to bedrock. To perform the drivability analyses, two situations were modeled. The first one involved determining the minimum hammer energy which would drive the H-piles to refusal on bedrock without excessive blows, and which would achieve the maximum allowable pile capacity. This condition would show the minimum hammer energy necessary to seat the piles on bedrock. The second part of the analyses would determine what

REPORT OF GEOTECHNICAL EXPLORATION

Foundation System Recommendations
August 30, 2019

the maximum hammer energy can be to drive the piles to refusal, and one which would not damage the pile upon achieving refusal on bedrock. The FHWA publication titled "Soils and Foundations Workshop Manual-Second Edition" defines a reasonable range of hammer blows to be between 30 and 144 blows per foot for a steel H-pile. The results of the driveability analyses indicate that a hammer with a minimum energy of 10.5 foot-kips and a maximum energy of 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles.

7.0 FOUNDATION SYSTEM RECOMMENDATIONS

Stantec developed the following recommendations based upon reviews of available data, information obtained during the field exploration, results of laboratory testing and engineering analyses, and discussions with TEAM personnel.

7.1 GENERAL

7.1.1. Based on a review of the existing subsurface conditions and anticipated structural loads, it is recommended that rock bearing foundation systems be used for all bridge substructure elements.

Hole No.	Latitude	Longitude	Surface Elevation (feet)	Top of Rock Elevation (feet)
066C00090N -1	37.014475	-83.430246	1049.1	1023.7

7.1.2. Foundation excavations should be properly braced/shored to provide adequate safety to people working in or around the excavations. Bracing should be performed in accordance with applicable federal, state and local guidelines.

7.1.3. **A plan note should be included by the designer** that indicates that temporary shoring, sheeting, cofferdams, and/or dewatering methods may be required to facilitate foundation construction. It should be anticipated that groundwater will be encountered at foundation locations within the flood plain.

7.1.4. The following table provides recommended pile lengths applicable at the referenced substructure element locations. It is estimated that 12x53 H-pile foundations are being planned for use in supporting the new bridge substructure elements.

REPORT OF GEOTECHNICAL EXPLORATION

Foundation System Recommendations
August 30, 2019

Hole No.	Total Factored Axial Resistance ^a (kips)	Estimated Bearing Elevation (ft) MSL
066C00090N -1	465	1023.0

a. Obtained using $\phi=0.6$ based on good driving conditions.

7.1.5. **A plan note should be included by the designer** which states the following hammer criteria: At the End Bent locations, a diesel pile driving hammer with a rated energy between 10.5 foot-kips and 20.1 foot-kips will be required to drive 12x53 steel H-piles to practical refusal without encountering excessive blow counts or damaging the piles. The Contractor shall submit the proposed pile driving system to the Engineer for approval prior to the installation of the first pile. Approval of the pile driving system by the Engineer will be subject to satisfactory field performance of the pile driving procedures.

7.1.6. Stantec understands that end bearing piles are being driven to a practical refusal. **A plan note should be included by the designer** which indicates: For this project, minimum blow requirements may be reached after total penetration becomes 1/2 inch or less for ten consecutive blows, practical refusal is obtained after the pile is struck an additional ten blows with total penetration of 1/2 inch or less. Advance the production piling to the driving resistances specified above and to depths determined by test pile(s) and subsurface data sheet(s). Immediately cease driving operations if the pile visibly yields or becomes damaged during driving.

If hard driving is encountered because of dense strata or an obstruction, such as a boulder before the pile is advanced to the depth anticipated, the Engineer will determine if more blows than the average driving resistance specified for practical refusal is required to further advance the pile. Drive additional production and test piles if directed by the Engineer

7.1.7. The design and installation of the pile foundations should conform to current AASHTO LRFD Bridge Design Specifications, and Section 604 of the current edition of the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction.

7.1.8. The Kentucky Transportation Cabinet recommends that protective pile points be used on end bearing piles to allow for embedment into the top of bedrock. Use of reinforced pile points capable of penetrating boulders and hard layers which may be encountered is recommended. Installation of pile points should be in accordance with Section 604 of the Kentucky Standard Specifications for Road and Bridge Construction, current edition.

7.1.9. The AASHTO LRFD Bridge Design Specifications recommend a resistance factor for horizontal geotechnical resistance of a single pile or pile group of 1.0 for lateral capacity analyses.

7.1.10. The 2014 AASHTO LRFD Bridge Design Specifications recommends axial resistance factors based on pile driving conditions (good or severe driving conditions). Based on the general subsurface conditions encountered across the project, it is anticipated that there will be

REPORT OF GEOTECHNICAL EXPLORATION

Closing
August 30, 2019

good pile driving conditions. Therefore, it is recommended that the axial resistance of piles in compression (ϕ_c) used in design be 0.60. Further, the combined axial and flexural resistance factors for design should be $\phi_c = 0.70$ and $\phi_f = 1.00$ as noted in Section 6.5.4.2 of the referenced AASHTO specifications.

8.0 CLOSING

8.1. The conclusions and recommendations presented herein are based on data and subsurface conditions from the borings drilled during previous geotechnical exploration using that degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession. No warranties can be made regarding the continuity of conditions between borings.

8.2. General soil and rock descriptions and indicated boundaries are based on an engineering interpretation of all available subsurface information and may not necessarily reflect the actual variation in subsurface conditions between borings and samples.

8.3. The observed water levels and/or conditions indicated on the boring logs are as recorded at the time of exploration. These water levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall, tail water elevations or other factors and are otherwise dependent on the duration of and methods used in the exploration program.

8.4. Stantec exercised sound engineering judgment in preparing the subsurface information presented herein. This information has been prepared and is intended for design and estimating purposes. Its presentation on the plans or elsewhere is for the purpose of providing intended users with access to the same information. This subsurface information interpretation is presented in good faith and is not intended as a substitute for independent interpretations or judgments of the Contractor.

8.5. All structure details shown herein are for illustrative purposes only and may not be indicative of the final design conditions shown in the contract plans.

APPENDIX A SITE MAP



LEGEND

 SOIL BORING WITH UNDISTURBED (SHELBY) TUBE SAMPLES AND/OR STANDARD PENETRATION TESTS AND ROCK CORE

© 2019 Microsoft Corporation © 2019 DigitalGlobe ©CNES (2019) Distribution Airbus DS © 2019 HERE 

PLOT DATE: 08/22/2019 USER: BOND, PJ
V:\1785\ACTIVE\178568003\GEOTECHNICAL\066C00090N\DRAWING\066C00090N.DWG

	GRAPHIC SCALE: 1" = 50'		BRIDGING KENTUCKY	
	DATE: 08/22/2019		BRIDGE: 066C00090N	PAGE NO. -
	DRAWN BY: PJB	CKD. BY: AAC	SHEET: CR-1210 OVER MIDDLE FORK LESLIE COUNTY, KY	FIG. NO. -
	STANTEC JOB NO.: 178568003			
	FILE NAME:			

APPENDIX B

TYPED BORING LOG

DRILLER'S SUBSURFACE LOG

Printed: 8/21/19

Page 1 of 1

Project ID: <u>178568003</u>		<u>Statewide - Various</u>			Project Type: <u>Structure Bridge</u>				
Item Number: <u>Statewide</u>					Project Manager: <u> </u>				
Hole Number <u>066C00090N-1</u>		Immediate Water Depth <u>NA</u>		Start Date <u>07/25/2019</u>		Hole Type <u>core and sample</u>			
Surface Elevation <u>1049.1'</u>		Static Water Depth <u>NA</u>		End Date <u>07/25/2019</u>		Rig_Number <u>45B</u>			
Total Depth <u>36.8'</u>		Driller <u>mark martin</u>		Latitude(83) <u>37.014475</u>					
Location <u>+ 'Lt.</u>				Longitude(83) <u>-83.430246</u>					
Lithology		Overburden		Sample No.	Depth (ft)	Rec. (ft)	SPT Blows	Sample Type	Remarks
Elevation	Depth	Description Rock Core		Std/Ky RQD	Run (ft)	Rec (ft)	Rec (%)	SDI (JS)	
1048.6	0.5	Topsoil.							
		Loose to dense, brown, damp, silty sand.		1	2.0-3.5	1.5	2-3-3	SPT	
				2	5.0-6.5	1.5	11-32-12	SPT	
1039.1	10.0	Medium dense to very dense, brown, moist to wet, sitly sand (with sandstone fragments throughout).		3	10.0-11.5	1.2	12-8-9	SPT	
				4	15.0-16.5	1.5	12-12-9	SPT	
				5	20.0-21.5	1.5	32-15-18	SPT	
1023.7	25.4	(Begin Core)		6	25.0-25.4	0.4	50/0.40'	SPT	27.5 Base of weathered rock @ 27 32.0 36.8
		Light gray sandstone, (fine grained, zones shaley with shale stringers, streaks and partings, thin to medium bedded).		0 / 0	2.1	0.8	38		
				98 / 98	4.5	4.4	98		
1012.3	36.8			79 / 79	4.8	4.8	100		
		(Bottom of Hole 36.8')							

APPENDIX C

LABORATORY DATA SHEETS



Moisture Content of Soil

AASHTO T 265

Project Name Bridging KY - 066C00090N

Project Number 178568003
Tested By HE

Test Method AASHTO

Maximum Particle Size in Sample	No. 40	No. 4	1/2"	1"	2"
Recommended Minimum Mass (g)	10	100	300	500	1,000

Material Type: Stratified, Laminated, Lensed, Homogeneous, Disturbed

Source	Lab ID	Date Tested	Material Type	Maximum Particle Size	Material Excluded Amount	Pass Min. Mass? (Y/N)	Can Weight (g)	Wet Soil & Can Weight (g)	Dry Soil & Can Weight (g)	Moisture Content (%)
066C00090N-1, 2.0'-3.5'	586	7/30/19	Dist	No. 4		No	21.24	78.69	73.03	10.9
066C00090N-1, 5.0'-6.5'	587	7/30/19	Dist	1/2"		No	20.99	90.14	85.87	6.6
066C00090N-1, 10.0'-11.5'	588	7/30/19	Dist	1/2"		No	283.55	506.94	487.45	9.6
066C00090N-1, 15.0'-16.5'	590	7/30/19	Dist	1"		No	21.31	88.31	81.67	11.0
066C00090N-1, 20.0'-21.5'	591	7/30/19	Dist	1"		No	21.64	89.00	83.07	9.7
066C00090N-1, 25.0'-25.4'	592	7/30/19	Dist	1"		No	309.08	545.48	528.77	7.6

Comments

Reviewed By

RJ



Summary of Soil Tests

Project Name Bridging KY - 066C00090N Project Number 178568003
Source 066C00090N-1, 2.0'-3.5', 5.0'-6.5' Lab ID 585
Sample Type SPT Composite Date Received 7-26-19
Date Reported 8-8-19

Test Results

Natural Moisture Content

Test Not Performed

Moisture Content (%): N/A

Atterberg Limits

Test Method: AASHTO T 89 & T 90

Prepared: Dry

Liquid Limit: NP

Plastic Limit: NP

Plasticity Index: NP

Activity Index: N/A

Particle Size Analysis

Preparation Method: AASHTO T 87

Gradation Method: AASHTO T 88

Hydrometer Method: AASHTO T 88

Particle Size		%
Sieve Size	(mm)	
	N/A	
	N/A	
	N/A	
1"	25	100.0
3/4"	19	91.3
3/8"	9.5	88.3
No. 4	4.75	85.9
No. 10	2	83.5
No. 40	0.425	74.1
No. 200	0.075	29.4
	0.02	18.2
	0.005	10.9
	0.002	6.9
estimated	0.001	4.7

Plus 3 in. material, not included: 0 (%)

Range	ASTM (%)	AASHTO (%)
Gravel	14.1	16.5
Coarse Sand	2.4	9.4
Medium Sand	9.4	---
Fine Sand	44.7	44.7
Silt	18.5	22.5
Clay	10.9	6.9

Moisture-Density Relationship

Test Not Performed

Maximum Dry Density (lb/ft³): N/A

Maximum Dry Density (kg/m³): N/A

Optimum Moisture Content (%): N/A

Over Size Correction %: N/A

California Bearing Ratio

Test Not Performed

Bearing Ratio (%): N/A

Compacted Dry Density (lb/ft³): N/A

Compacted Moisture Content (%): N/A

Specific Gravity

Test Method: AASHTO T 100

Prepared: Dry

Particle Size: No. 10

Specific Gravity at 20° Celsius: 2.69

Classification

Unified Group Symbol: SM

Group Name: Silty sand

AASHTO Classification: A-2-4 (0)

Comments:

Reviewed By RJ



Particle-Size Analysis of Soils

AASHTO T 88

Project Name

Bridging KY - 066C00090N

Source

066C00090N-1, 2.0'-3.5', 5.0'-6.5'

Project Number

178568003

Lab ID

585

Sieve analysis for the Portion Coarser than the No. 10 Sieve

Test Method

AASHTO T 88

Prepared using

AASHTO T 87

Particle Shape

Angular

Particle Hardness:

Hard and Durable

Tested By

HE

Test Date

08-01-2019

Date Received

07-26-2019

Sieve Size	% Passing
1"	100.0
3/4"	91.3
3/8"	88.3
No. 4	85.9
No. 10	83.5

Maximum Particle size: 1" Sieve

Analysis for the portion Finer than the No. 10 Sieve

Analysis Based on -3 inch fraction only

Specific Gravity

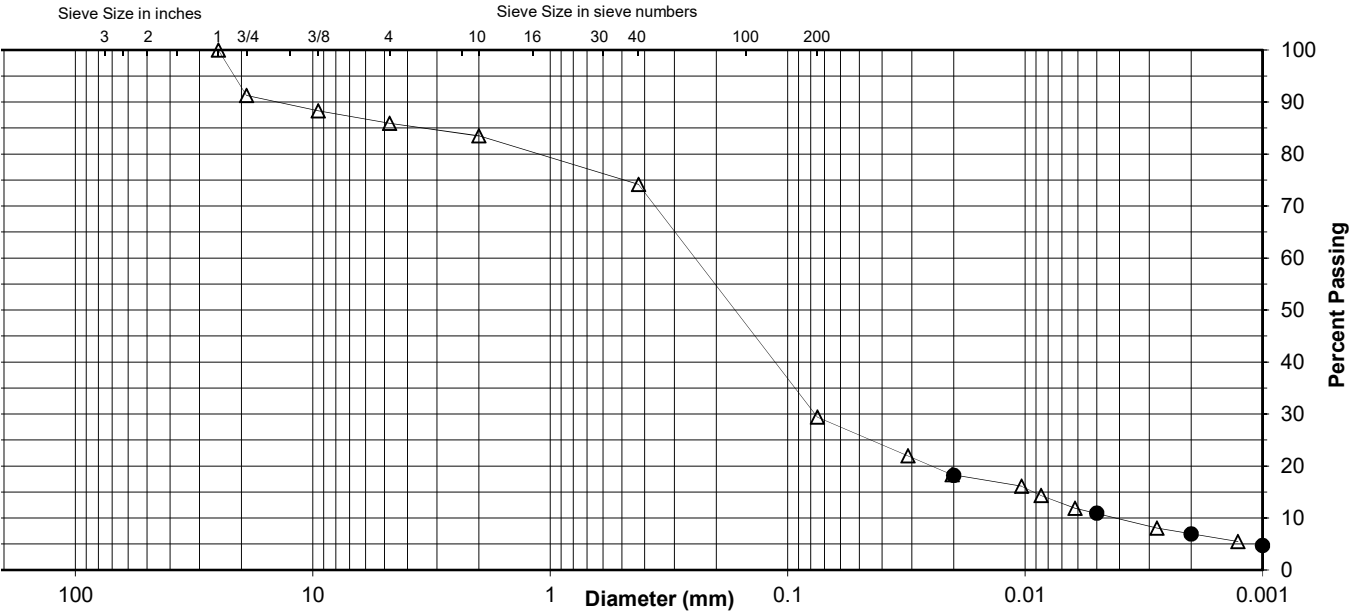
2.69

Dispersed using Apparatus A - Mechanical, for 1 minute

No. 40	74.1
No. 200	29.4
0.02 mm	18.2
0.005 mm	10.9
0.002 mm	6.9
0.001 mm	4.7

Particle Size Distribution

ASTM	Coarse Gravel	Fine Gravel	C. Sand	Medium Sand	Fine Sand	Silt	Clay
	8.7	5.4	2.4	9.4	44.7	18.5	10.9
AASHTO	Gravel		Coarse Sand		Fine Sand	Silt	Clay
	16.5		9.4		44.7	22.5	6.9



Comments

Reviewed By

RJ



ATTERBERG LIMITS

Project
Source

Bridging KY - 066C00090N
066C00090N-1, 2.0'-3.5', 5.0'-6.5'

Project No.
Lab ID
% + No. 40
Date Received

178568003
585
26
07-26-2019

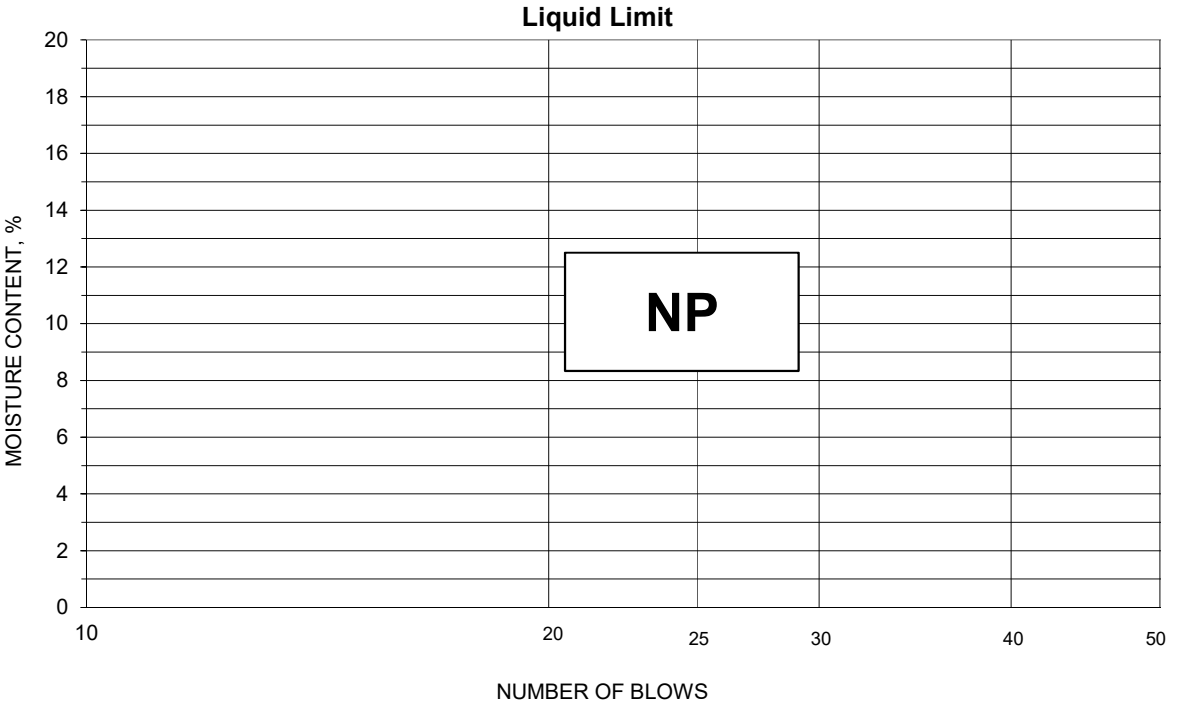
Tested By
Test Date

KWS
08-01-2019

Test Method
Prepared

AASHTO T 89 & T 90
Dry

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Number of Blows	Water Content (%)	Liquid Limit



PLASTIC LIMIT AND PLASTICITY INDEX

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Water Content (%)	Plastic Limit	Plasticity Index

Remarks:

Reviewed By



Gradation Analysis

AASHTO T 88

Project Name Bridging KY - 066C00090N

Source 066C00090N-1, 10.0'-11.5'

Preparation Method AASHTO T 11 Method A

Soak Time (min) 100

Particle Shape Angular

Particle Hardness Hard and Durable

Sample Dry Mass (g) 203.90

Moisture Content (%) 9.6

Project Number 178568003

Lab ID 588

Date Received 07-26-2019

Preparation Date 07-30-2019

Test Date 08-01-2019

Analysis based on total sample.

Sieve Size	Grams Retained	% Retained	% Passing
3/4"	0.00	0.0	100.0
3/8"	8.28	4.1	95.9
No. 4	13.22	6.5	89.5
No. 10	11.04	5.4	84.0
No. 40	16.30	8.0	76.0
No. 200	89.10	43.7	32.3
Pan	65.96	32.3	---

% Gravel 16.0

% Sand 51.7

% Fines 32.3

Fines Classification N/A

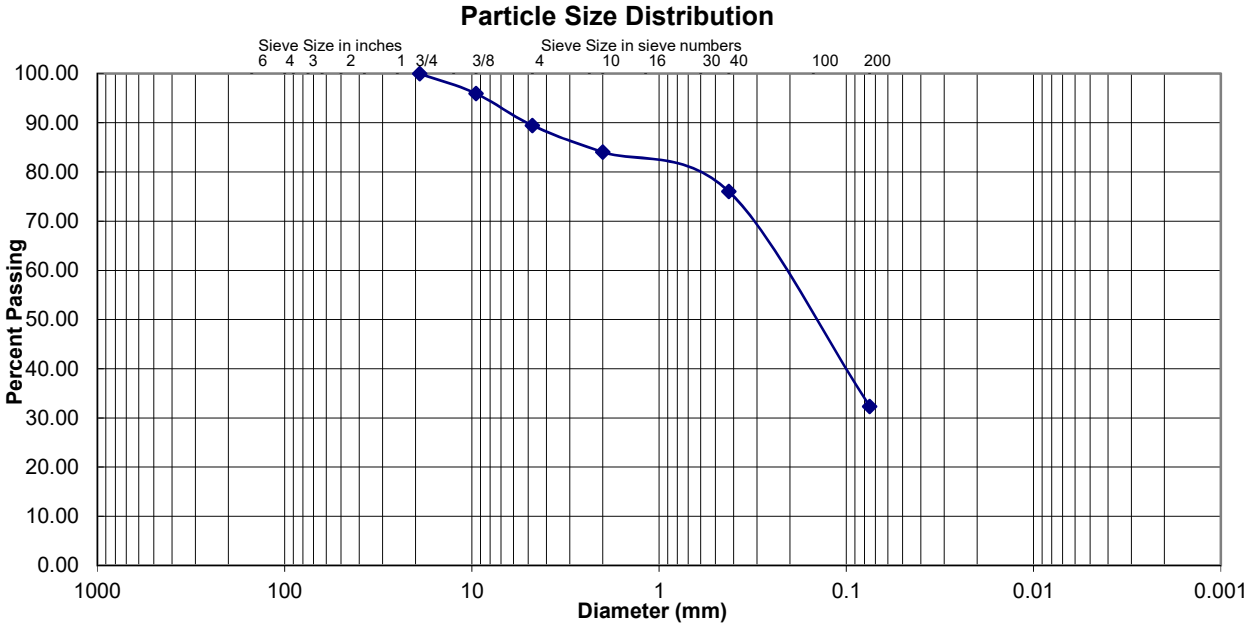
D₁₀ (mm) N/A

D₃₀ (mm) N/A

D₆₀ (mm) N/A

Cu N/A

Cc N/A



Comments

Reviewed By RJ



Summary of Soil Tests

Project Name

Bridging KY - 066C00090N

Source

066C00090N-1, 15.0'-16.5', 20.0'-21.5'

Project Number

178568003

Lab ID

589

Sample Type

SPT Composite

Date Received

7-26-19

Date Reported

8-8-19

Test Results

Natural Moisture Content

Test Not Performed

Moisture Content (%): N/A

Particle Size Analysis

Preparation Method: AASHTO T 87

Gradation Method: AASHTO T 88

Hydrometer Method: AASHTO T 88

Particle Size		%
Sieve Size	(mm)	
	N/A	
	N/A	
	N/A	
1"	25	100.0
3/4"	19	97.6
3/8"	9.5	92.5
No. 4	4.75	91.2
No. 10	2	88.5
No. 40	0.425	77.3
No. 200	0.075	21.1
	0.02	12.1
	0.005	6.1
	0.002	3.7
estimated	0.001	2.2

Plus 3 in. material, not included: 0 (%)

Range	ASTM (%)	AASHTO (%)
Gravel	8.8	11.5
Coarse Sand	2.7	11.2
Medium Sand	11.2	---
Fine Sand	56.2	56.2
Silt	15.0	17.4
Clay	6.1	3.7

Atterberg Limits

Test Method: AASHTO T 89 & T 90

Prepared: Dry

Liquid Limit: NP

Plastic Limit: NP

Plasticity Index: NP

Activity Index: N/A

Moisture-Density Relationship

Test Not Performed

Maximum Dry Density (lb/ft³): N/A

Maximum Dry Density (kg/m³): N/A

Optimum Moisture Content (%): N/A

Over Size Correction %: N/A

California Bearing Ratio

Test Not Performed

Bearing Ratio (%): N/A

Compacted Dry Density (lb/ft³): N/A

Compacted Moisture Content (%): N/A

Specific Gravity

Test Method: AASHTO T 100

Prepared: Dry

Particle Size: No. 10

Specific Gravity at 20° Celsius: 2.68

Classification

Unified Group Symbol: SM

Group Name: Silty sand

AASHTO Classification: A-2-4 (0)

Comments:

Reviewed By

RJ



Particle-Size Analysis of Soils

AASHTO T 88

Project Name

Bridging KY - 066C00090N

Source

066C00090N-1, 15.0'-16.5', 20.0'-21.5'

Project Number

178568003

Lab ID

589

Sieve analysis for the Portion Coarser than the No. 10 Sieve

Test Method

AASHTO T 88

Prepared using

AASHTO T 87

Particle Shape

Angular

Particle Hardness:

Hard and Durable

Tested By

HE

Test Date

08-01-2019

Date Received

07-26-2019

Maximum Particle size: 1" Sieve

Sieve Size	% Passing
1"	100.0
3/4"	97.6
3/8"	92.5
No. 4	91.2
No. 10	88.5

Analysis for the portion Finer than the No. 10 Sieve

Analysis Based on -3 inch fraction only

Specific Gravity

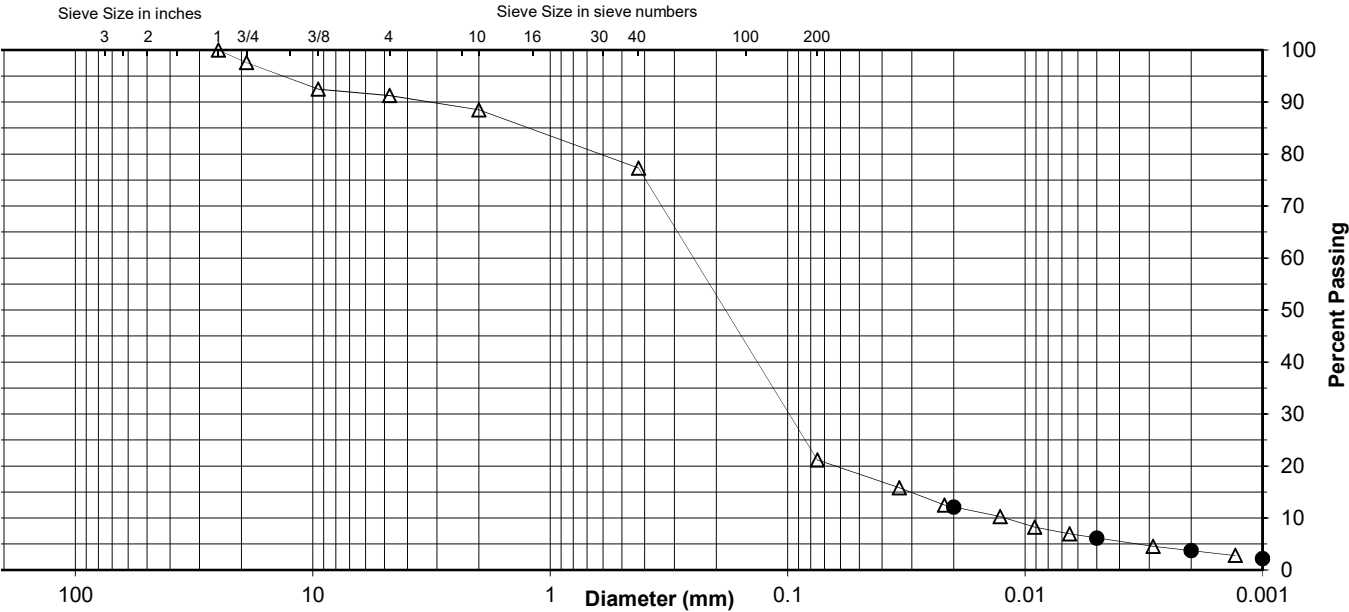
2.68

Dispersed using Apparatus A - Mechanical, for 1 minute

No. 40	77.3
No. 200	21.1
0.02 mm	12.1
0.005 mm	6.1
0.002 mm	3.7
0.001 mm	2.2

Particle Size Distribution

ASTM	Coarse Gravel	Fine Gravel	C. Sand	Medium Sand	Fine Sand	Silt	Clay
	2.4	6.4	2.7	11.2	56.2	15.0	6.1
AASHTO	Gravel		Coarse Sand		Fine Sand	Silt	Clay
	11.5		11.2		56.2	17.4	3.7



Comments

Reviewed By

RJ



ATTERBERG LIMITS

Project
Source

Bridging KY - 066C00090N
066C00090N-1, 15.0'-16.5', 20.0'-21.5'

Project No.
Lab ID
% + No. 40
Date Received

178568003
589
23
07-26-2019

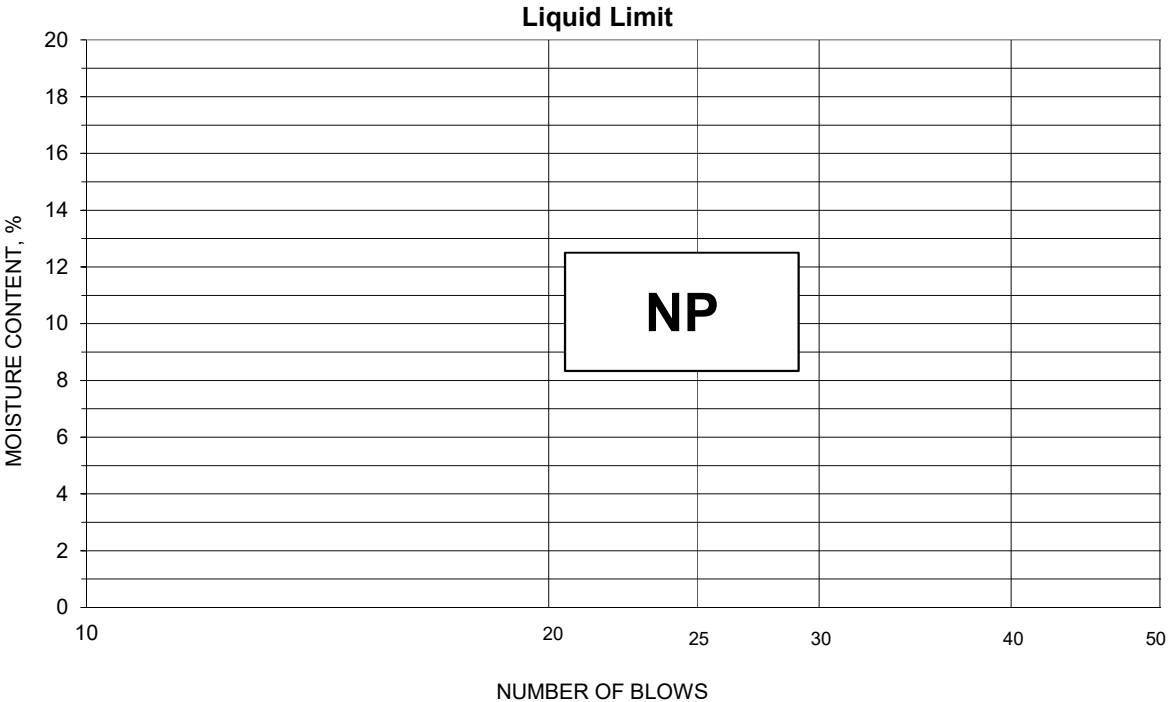
Tested By
Test Date

KWS
08-01-2019

Test Method
Prepared

AASHTO T 89 & T 90
Dry

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Number of Blows	Water Content (%)	Liquid Limit



PLASTIC LIMIT AND PLASTICITY INDEX

Wet Soil and Tare Mass (g)	Dry Soil and Tare Mass (g)	Tare Mass (g)	Water Content (%)	Plastic Limit	Plasticity Index

Remarks:

Reviewed By



Gradation Analysis

AASHTO T 88

Project Name Bridging KY - 066C00090N

Source 066C00090N-1, 25.0'-25.4'

Preparation Method AASHTO T 11 Method A

Soak Time (min) 120

Particle Shape Angular

Particle Hardness Hard and Durable

Sample Dry Mass (g) 219.69

Moisture Content (%) 7.6

Project Number 178568003

Lab ID 592

Date Received 07-26-2019

Preparation Date 07-30-2019

Test Date 08-01-2019

Analysis based on total sample.

Sieve Size	Grams Retained	% Retained	% Passing
3/4"	0.00	0.0	100.0
3/8"	32.24	14.7	85.3
No. 4	36.32	16.5	68.8
No. 10	30.22	13.8	55.0
No. 40	31.01	14.1	40.9
No. 200	29.21	13.3	27.6
Pan	60.69	27.6	---

% Gravel 45.0

% Sand 27.4

% Fines 27.6

Fines Classification N/A

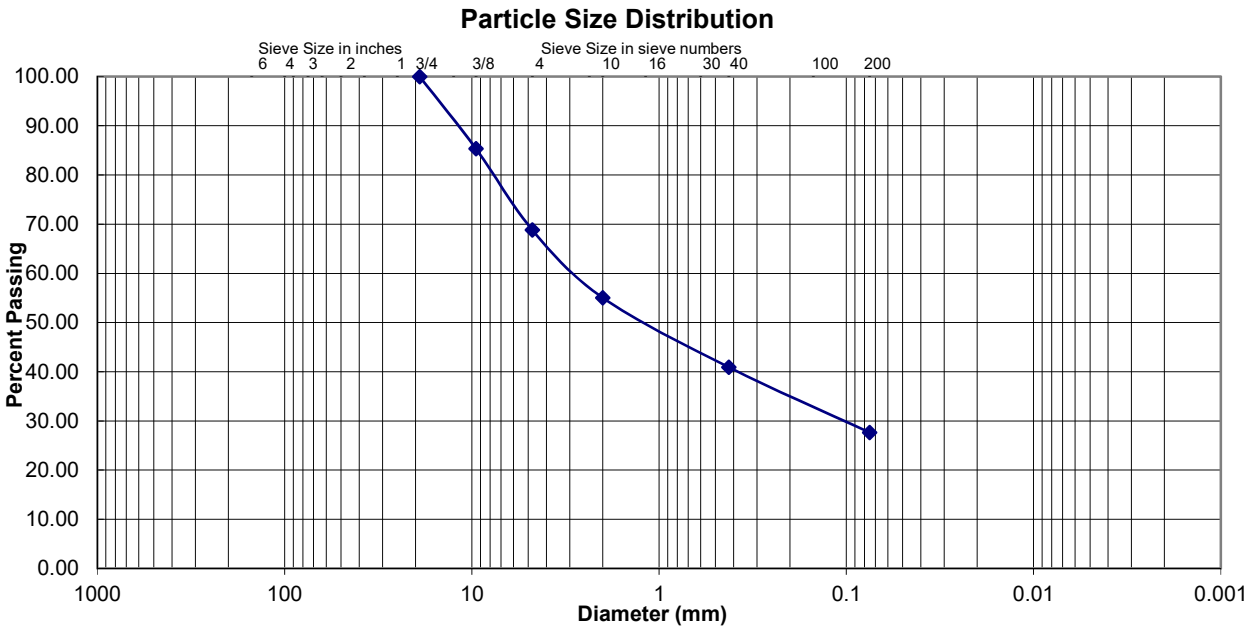
D₁₀ (mm) N/A

D₃₀ (mm) N/A

D₆₀ (mm) N/A

Cu N/A

Cc N/A



Comments

Reviewed By RJ

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR04801792100

KY 179 ADDRESS DEFICIENCIES OF KY-179 (0.084) BRIDGE OVER FUGETT CREEK (048B00097N) ASPHALT SURFACE WITH GRADE & DRAIN, A DISTANCE OF .01 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0880	00001	DGA BASE	683.00	TON
0885	00078	CRUSHED AGGREGATE SIZE NO 2	484.20	TON
0890	00100	ASPHALT SEAL AGGREGATE	10.00	TON
0895	00103	ASPHALT SEAL COAT	2.00	TON
0900	00212	CL2 ASPH BASE 1.00D PG64-22	624.00	TON
0905	00301	CL2 ASPH SURF 0.38D PG64-22	97.00	TON
0910	00462	CULVERT PIPE-18 IN	45.00	LF
0915	00464	CULVERT PIPE-24 IN	47.00	LF
0920	01433	SLOPED BOX OUTLET TYPE 1-18 IN	2.00	EACH
0925	01434	SLOPED BOX OUTLET TYPE 1-24 IN	2.00	EACH
0930	01987	DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	4.00	EACH
0935	02091	REMOVE PAVEMENT	1,200.00	SQYD
0940	02200	ROADWAY EXCAVATION	1,871.00	CUYD
0945	02351	GUARDRAIL-STEEL W BEAM-S FACE	262.50	LF
0950	02381	REMOVE GUARDRAIL	70.00	LF
0955	02391	GUARDRAIL END TREATMENT TYPE 4A	1.00	EACH
0960	02483	CHANNEL LINING CLASS II	55.00	TON
0965	02545	CLEARING AND GRUBBING - Approx. less than 1 acre	1.00	LS
0970	02585	EDGE KEY	24.00	LF
0975	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0980	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0985	02726	STAKING	1.00	LS
0990	02731	REMOVE STRUCTURE	1.00	LS
0995	05950	EROSION CONTROL BLANKET	612.00	SQYD
1000	06406	SBM ALUM SHEET SIGNS .080 IN	9.00	SQFT
1005	06410	STEEL POST TYPE 1	15.00	LF
1010	06568	PAVE MARKING-THERMO STOP BAR-24IN	32.00	LF
1015	21415ND	EROSION CONTROL	1.00	LS
1020	21476ED	SNOW FENCE	2,307.00	LF
1025	24540	R/W MONUMENT TYPE 3	7.00	EACH
1030	24631EC	BARCODE SIGN INVENTORY	1.00	EACH
1035	02568	MOBILIZATION	1.00	LS
1040	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR04811182000

CR 1118 ADDRESS DEFICIENCIES OF STRETCHNECK HOLLOW OVER YOCUM CREEK (048C00023N) BRIDGE
SUPERSTRUCTURE REHAB, A DISTANCE OF .02 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0415	02223	GRANULAR EMBANKMENT	28.00	CUYD
0420	02355	GUARDRAIL-STEEL W BEAM-S FACE A	93.75	LF
0425	02360	GUARDRAIL TERMINAL SECTION NO 1	4.00	EACH
0430	02399	EXTRA LENGTH GUARDRAIL POST	30.00	EACH
0435	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0440	02651	DIVERSIONS (BY-PASS DETOURS)	1.00	LS
0445	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0450	02726	STAKING	1.00	LS
0455	03299	ARMORED EDGE FOR CONCRETE	27.00	LF
0460	03304	BRIDGE OVERLAY APPROACH PAVEMENT	75.00	SQYD
0465	08003	FOUNDATION PREPARATION	1.00	LS
0470	08019	CYCLOPEAN STONE RIP RAP	13.00	TON
0475	08100	CONCRETE-CLASS A	1.50	CUYD
0480	08104	CONCRETE-CLASS AA	18.00	CUYD
0485	08150	STEEL REINFORCEMENT	600.00	LB
0490	08151	STEEL REINFORCEMENT-EPOXY COATED	5,450.00	LB
0495	08301	REMOVE SUPERSTRUCTURE	1.00	LS
0500	08801	GUARDRAIL-STEEL W BEAM-S FACE BR	50.00	LF
0505	21415ND	EROSION CONTROL	1.00	LS
0510	21476ED	SNOW FENCE	1,700.00	LF
0515	22146EN	CONCRETE PATCHING REPAIR	5.00	SQFT
0520	23378EC	CONCRETE SEALING	1,010.00	SQFT
0525	24845EC	UTILITY COORDINATION	1.00	LS
0530	02568	MOBILIZATION	1.00	LS
0535	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR04812151900

CR 1215 ADDRESS DEFICIENCIES OF CR 1215 BRIDGE OVER MARTINS FK CUMBERLAND RV. 048C00076N
BRIDGE SUBSTRUCTURE REHAB, A DISTANCE OF .02 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0295	00001	DGA BASE	170.00	TON
0300	02223	GRANULAR EMBANKMENT	28.00	CUYD
0305	02355	GUARDRAIL-STEEL W BEAM-S FACE A	100.00	LF
0310	02360	GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH
0315	02371	GUARDRAIL END TREATMENT TYPE 7	2.00	EACH
0320	02399	EXTRA LENGTH GUARDRAIL POST	32.00	EACH
0325	02610	RETAINING WALL-GABION	12.00	CUYD
0330	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0335	02651	DIVERSIONS (BY-PASS DETOURS)	1.00	LS
0340	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0345	02726	STAKING	1.00	LS
0350	03250	WATERPROOFING MEMBRANE	85.00	SQYD
0355	03304	BRIDGE OVERLAY APPROACH PAVEMENT	150.00	SQYD
0360	08003	FOUNDATION PREPARATION	1.00	LS
0365	08150	STEEL REINFORCEMENT	200.00	LB
0370	08301	REMOVE SUPERSTRUCTURE	1.00	LS
0375	08654	PRECAST PC BOX BEAM B27-48	186.00	LF
0380	08801	GUARDRAIL-STEEL W BEAM-S FACE BR	124.00	LF
0385	21415ND	EROSION CONTROL	1.00	LS
0390	21476ED	SNOW FENCE	1,350.00	LF
0395	22146EN	CONCRETE PATCHING REPAIR	10.00	SQFT
0400	23378EC	CONCRETE SEALING	2,475.00	SQFT
0405	02568	MOBILIZATION	1.00	LS
0410	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR06604061900

CR 406 ADDRESS DEFICIENCIES OF VIOLET LANE BRIDGE OVER STINNETT CREEK 066C00093N. BRIDGE REPLACEMENT, A DISTANCE OF .01 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0005	01690	FLUME INLET TYPE 1	1.00	EACH
0010	01987	DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	4.00	EACH
0015	02091	REMOVE PAVEMENT	81.00	SQYD
0020	02200	ROADWAY EXCAVATION	85.00	CUYD
0025	02223	GRANULAR EMBANKMENT	45.00	CUYD
0030	02351	GUARDRAIL-STEEL W BEAM-S FACE	25.00	LF
0035	02369	GUARDRAIL END TREATMENT TYPE 2A	2.00	EACH
0040	02399	EXTRA LENGTH GUARDRAIL POST	12.00	EACH
0045	02545	CLEARING AND GRUBBING - Less than 1 acre	1.00	LS
0050	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0055	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0060	02726	STAKING	1.00	LS
0065	02731	REMOVE STRUCTURE	1.00	LS
0070	03299	ARMORED EDGE FOR CONCRETE	23.00	LF
0075	03304	BRIDGE OVERLAY APPROACH PAVEMENT	172.00	SQYD
0080	08003	FOUNDATION PREPARATION	1.00	LS
0085	08019	CYCLOPEAN STONE RIP RAP	281.00	TON
0090	08033	TEST PILES	55.00	LF
0095	08039	PRE-DRILLING FOR PILES	149.00	LF
0100	08046	PILES-STEEL HP12X53	124.00	LF
0105	08094	PILE POINTS-12 IN	8.00	EACH
0110	08100	CONCRETE-CLASS A	15.80	CUYD
0115	08104	CONCRETE-CLASS AA	48.70	CUYD
0120	08151	STEEL REINFORCEMENT-EPOXY COATED	10,989.00	LB
0125	08160	STRUCTURAL STEEL - Approx. 47,580 lbs	1.00	LS
0130	08170	SHEAR CONNECTORS - Approx. 490 lbs	1.00	LS
0135	14081	W SERVICE RELOCATE	3.00	EACH
0140	20629NS719	THRIE BEAM TO W BEAM CONNECTOR - Includes connection to classic rail	2.00	EACH
0145	21289ED	LONGITUDINAL EDGE KEY	85.00	LF
0150	21415ND	EROSION CONTROL	1.00	LS
0155	23378EC	CONCRETE SEALING	2,985.00	SQFT
0160	25028ED	RAIL SYSTEM SINGLE SLOPE - 40 IN	163.00	LF
0165	02568	MOBILIZATION	1.00	LS
0170	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR06611512100

RED SAM ROAD (CR 1151) REPLACE BRIDGE ON CR-1151 (RED SAM ROAD) OVER GREASY CREEK.
(066C00088N) BRIDGE REPLACEMENT, A DISTANCE OF .02 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0540	00001	DGA BASE	130.00	TON
0545	00212	CL2 ASPH BASE 1.00D PG64-22	125.00	TON
0550	00301	CL2 ASPH SURF 0.38D PG64-22	20.00	TON
0555	01987	DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	8.00	EACH
0560	02091	REMOVE PAVEMENT	53.00	SQYD
0565	02223	GRANULAR EMBANKMENT	28.00	CUYD
0570	02230	EMBANKMENT IN PLACE	220.00	CUYD
0575	02351	GUARDRAIL-STEEL W BEAM-S FACE	37.50	LF
0580	02355	GUARDRAIL-STEEL W BEAM-S FACE A	100.00	LF
0585	02360	GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH
0590	02371	GUARDRAIL END TREATMENT TYPE 7	2.00	EACH
0595	02399	EXTRA LENGTH GUARDRAIL POST	32.00	EACH
0600	02545	CLEARING AND GRUBBING - Less than 1 acre	1.00	LS
0605	02585	EDGE KEY	24.00	LF
0610	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0615	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0620	02726	STAKING	1.00	LS
0625	02731	REMOVE STRUCTURE	1.00	LS
0630	03299	ARMORED EDGE FOR CONCRETE	32.00	LF
0635	08003	FOUNDATION PREPARATION	1.00	LS
0640	08019	CYCLOPEAN STONE RIP RAP	260.00	TON
0645	08033	TEST PILES	48.00	LF
0650	08039	PRE-DRILLING FOR PILES	160.00	LF
0655	08046	PILES-STEEL HP12X53	345.00	LF
0660	08094	PILE POINTS-12 IN	16.00	EACH
0665	08100	CONCRETE-CLASS A	192.00	CUYD
0670	08104	CONCRETE-CLASS AA	58.00	CUYD
0675	08150	STEEL REINFORCEMENT	9,372.00	LB
0680	08151	STEEL REINFORCEMENT-EPOXY COATED	4,533.00	LB
0685	08665	PRECAST PC BOX BEAM CB33-48	336.00	LF
0690	08801	GUARDRAIL-STEEL W BEAM-S FACE BR	168.00	LF
0695	21415ND	EROSION CONTROL	1.00	LS
0700	21476ED	SNOW FENCE	730.00	LF
0705	23378EC	CONCRETE SEALING	4,630.00	SQFT
0710	24540	R/W MONUMENT TYPE 3	8.00	EACH
0715	02568	MOBILIZATION	1.00	LS
0720	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR06612102100

CR 1210
REPLACE BRIDGE ON ASHERS CAMP ROAD (CR 1210) OVER MIDDLE FORK KENTUCKY RIVER. (066C00090N
) BRIDGE REPLACEMENT, A DISTANCE OF .01 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0725	00020	TRAFFIC BOUND BASE	170.00	TON
0730	00078	CRUSHED AGGREGATE SIZE NO 2	315.00	TON
0735	01987	DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	12.00	EACH
0740	02223	GRANULAR EMBANKMENT	28.00	CUYD
0745	02351	GUARDRAIL-STEEL W BEAM-S FACE	100.00	LF
0750	02371	GUARDRAIL END TREATMENT TYPE 7	8.00	EACH
0755	02397	TEMP GUARDRAIL	200.00	LF
0760	02399	EXTRA LENGTH GUARDRAIL POST	16.00	EACH
0765	02545	CLEARING AND GRUBBING - Less than 1 acre	1.00	LS
0770	02602	FABRIC-GEOTEXTILE CLASS 1	1,170.00	SQYD
0775	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0780	02651	DIVERSIONS (BY-PASS DETOURS)	1.00	LS
0785	02671	PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH
0790	02726	STAKING	1.00	LS
0795	02731	REMOVE STRUCTURE	1.00	LS
0800	03299	ARMORED EDGE FOR CONCRETE	24.00	LF
0805	03304	BRIDGE OVERLAY APPROACH PAVEMENT	75.00	SQYD
0810	08003	FOUNDATION PREPARATION	1.00	LS
0815	08019	CYCLOPEAN STONE RIP RAP	198.00	TON
0820	08033	TEST PILES	53.00	LF
0825	08046	PILES-STEEL HP12X53	270.00	LF
0830	08094	PILE POINTS-12 IN	14.00	EACH
0835	08100	CONCRETE-CLASS A	103.00	CUYD
0840	08104	CONCRETE-CLASS AA	31.00	CUYD
0845	08151	STEEL REINFORCEMENT-EPOXY COATED	13,479.00	LB
0850	08664	PRECAST PC BOX BEAM CB27-48	207.00	LF
0855	21415ND	EROSION CONTROL	1.00	LS
0860	23378EC	CONCRETE SEALING	2,413.00	SQFT
0865	25017ED	RAIL SYSTEM SIDE MOUNTED MGS	125.00	LF
0870	02568	MOBILIZATION	1.00	LS
0875	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 215220

121GR21D020 - FD04

BR06612711900

CR 1271 ADDRESS DEFICIENCIES OF CR-1271 BRIDGE OVER MIDDLE FORK (066C00079N). BRIDGE REPAIR MISCELLANEOUS WORK, A DISTANCE OF .01 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0175	02223	GRANULAR EMBANKMENT	28.00	CUYD
0180	02351	GUARDRAIL-STEEL W BEAM-S FACE	50.00	LF
0185	02355	GUARDRAIL-STEEL W BEAM-S FACE A	50.00	LF
0190	02360	GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH
0195	02367	GUARDRAIL END TREATMENT TYPE 1	2.00	EACH
0200	02399	EXTRA LENGTH GUARDRAIL POST	8.00	EACH
0205	02650	MAINTAIN & CONTROL TRAFFIC	1.00	LS
0210	02671	PORTABLE CHANGEABLE MESSAGE SIGN	4.00	EACH
0215	02731	REMOVE STRUCTURE	1.00	LS
0220	03250	WATERPROOFING MEMBRANE	107.60	SQYD
0225	03304	BRIDGE OVERLAY APPROACH PAVEMENT	196.50	SQYD
0230	08001	STRUCTURE EXCAVATION-COMMON	149.00	CUYD
0235	08002	STRUCTURE EXCAV-SOLID ROCK	72.05	CUYD
0240	08003	FOUNDATION PREPARATION	1.00	LS
0245	08019	CYCLOPEAN STONE RIP RAP	30.00	TON
0250	08100	CONCRETE-CLASS A	118.70	CUYD
0255	08151	STEEL REINFORCEMENT-EPOXY COATED	13,758.00	LB
0260	08654	PRECAST PC BOX BEAM B27-48	242.00	LF
0265	08801	GUARDRAIL-STEEL W BEAM-S FACE BR	112.50	LF
0270	21415ND	EROSION CONTROL	1.00	LS
0275	21476ED	SNOW FENCE	1,100.00	LF
0280	24982EC	CONCRETE COATING - Approx. 2248 sf	1.00	LS
0285	02568	MOBILIZATION	1.00	LS
0290	02569	DEMOBILIZATION	1.00	LS

PART II

SPECIFICATIONS AND STANDARD DRAWINGS

SPECIFICATIONS REFERENCE

Any reference in the plans or proposal to previous editions of the *Standard Specifications for Road and Bridge Construction* and *Standard Drawings* are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2019* and *Standard Drawings, Edition of 2020*.

SUPPLEMENTAL SPECIFICATIONS

The contractor shall use the Supplemental Specifications that are effective at the time of letting.
The Supplemental Specifications can be found at the following link:

<http://transportation.ky.gov/Construction/Pages/Kentucky-Standard-Specifications.aspx>

SPECIAL NOTE FOR PORTABLE CHANGEABLE MESSAGE SIGNS

This Special Note will apply when indicated on the plans or in the proposal.

1.0 DESCRIPTION. Furnish, install, operate, and maintain variable message signs at the locations shown on the plans or designated by the Engineer. Remove and retain possession of variable message signs when they are no longer needed on the project.

2.0 MATERIALS.

2.1 General. Use LED Variable Message Signs Class I, II, or III, as appropriate, from the Department's List of Approved Materials.

Unclassified signs may be submitted for approval by the Engineer. The Engineer may require a daytime and nighttime demonstration. The Engineer will make a final decision within 30 days after all required information is received.

2.2 Sign and Controls. All signs must:

- 1) Provide 3-line messages with each line being 8 characters long and at least 18 inches tall. Each character comprises 35 pixels.
- 2) Provide at least 40 preprogrammed messages available for use at any time. Provide for quick and easy change of the displayed message; editing of the message; and additions of new messages.
- 3) Provide a controller consisting of:
 - a) Keyboard or keypad.
 - b) Readout that mimics the actual sign display. (When LCD or LCD type readout is used, include backlighting and heating or otherwise arrange for viewing in cold temperatures.)
 - c) Non-volatile memory or suitable memory with battery backup for storing pre-programmed messages.
 - d) Logic circuitry to control the sequence of messages and flash rate.
- 4) Provide a serial interface that is capable of supporting complete remote control ability through land line and cellular telephone operation. Include communication software capable of immediately updating the message, providing complete sign status, and allowing message library queries and updates.
- 5) Allow a single person easily to raise the sign to a satisfactory height above the pavement during use, and lower the sign during travel.
- 6) Be Highway Orange on all exterior surfaces of the trailer, supports, and controller cabinet.
- 7) Provide operation in ambient temperatures from -30 to + 120 degrees Fahrenheit during snow, rain and other inclement weather.
- 8) Provide the driver board as part of a module. All modules are interchangeable, and have plug and socket arrangements for disconnection and reconnection. Printed circuit boards associated with driver boards have a conformable coating to protect against moisture.
- 9) Provide a sign case sealed against rain, snow, dust, insects, etc. The lens is UV stabilized clear plastic (polycarbonate, acrylic, or other approved material) angled to prevent glare.
- 10) Provide a flat black UV protected coating on the sign hardware, character PCB, and appropriate lens areas.
- 11) Provide a photocell control to provide automatic dimming.

- 12) Allow an on-off flashing sequence at an adjustable rate.
- 13) Provide a sight to aim the message.
- 14) Provide a LED display color of approximately 590 nm amber.
- 15) Provide a controller that is password protected.
- 16) Provide a security device that prevents unauthorized individuals from accessing the controller.
- 17) Provide the following 3-line messages preprogrammed and available for use when the sign unit begins operation:

/KEEP/RIGHT/⇒⇒⇒/	/MIN/SPEED/**MPH/
/KEEP/LEFT/⇐⇐⇐/	/ICY/BRIDGE/AHEAD/ /ONE
/LOOSE/GRAVEL/AHEAD/	LANE/BRIDGE/AHEAD/
/RD WORK/NEXT/**MILES/	/ROUGH/ROAD/AHEAD/
/TWO WAY/TRAFFIC/AHEAD/	/MERGING/TRAFFIC/AHEAD/
/PAINT/CREW/AHEAD/	/NEXT/***/MILES/
/REDUCE/SPEED/**MPH/	/HEAVY/TRAFFIC/AHEAD/
/BRIDGE/WORK/***0 FT/	/SPEED/LIMIT/**MPH/
/MAX/SPEED/**MPH/	/BUMP/AHEAD/
/SURVEY/PARTY/AHEAD/	/TWO/WAY/TRAFFIC/

*Insert numerals as directed by the Engineer.
Add other messages during the project when required by the Engineer.

2.3 Power.

- 1) Design solar panels to yield 10 percent or greater additional charge than sign consumption. Provide direct wiring for operation of the sign or arrow board from an external power source to provide energy backup for 21 days without sunlight and an on-board system charger with the ability to recharge completely discharged batteries in 24 hours.

3.0 CONSTRUCTION. Furnish and operate the variable message signs as designated on the plans or by the Engineer. Ensure the bottom of the message panel is a minimum of 7 feet above the roadway in urban areas and 5 feet above in rural areas when operating. Use Class I, II, or III signs on roads with a speed limit less than 55 mph. Use Class I or II signs on roads with speed limits 55 mph or greater.

Maintain the sign in proper working order, including repair of any damage done by others, until completion of the project. When the sign becomes inoperative, immediately repair or replace the sign. Repetitive problems with the same unit will be cause for rejection and replacement.

Use only project related messages and messages directed by the Engineer, unnecessary messages lessen the impact of the sign. Ensure the message is displayed in either one or 2 phases with each phase having no more than 3 lines of text. When no message is needed, but it is necessary to know if the sign is operable, flash only a pixel.

When the sign is not needed, move it outside the clear zone or where the Engineer directs. Variable Message Signs are the property of the Contractor and shall be removed from the project when no longer needed. The Department will not assume ownership of these signs.

4.0 MEASUREMENT. The final quantity of Variable Message Sign will be

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the actual number of individual signs acceptably furnished and operated during the project. The Department will not measure signs replaced due to damage or rejection.

5.0 PAYMENT. The Department will pay for the Variable Message Signs at the unit price each. The Department will not pay for signs replaced due to damage or rejection. Payment is full compensation for furnishing all materials, labor, equipment, and service necessary to, operate, move, repair, and maintain or replace the variable message signs. The Department will make payment for the completed and accepted quantities under the following:

<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
02671	Portable Changeable Message Sign	Each

Effective June 15, 2012

**SPECIAL PROVISION FOR EMBANKMENT AT
BRIDGE END BENT STRUCTURES**

This Special Provision will apply when indicated on the plans or in the proposal. Section references herein are to the Department’s Standard Specifications for Road and Bridge Construction, Current Edition.

1.0 DESCRIPTION. Construct a soil, granular, or rock embankment with soil, granular or cohesive pile core and place structure granular backfill, as the Plans require. Construct the embankment according to the requirements of this Special Provision, the Plans, Standard Drawing RGX 100 and 105, and the Standard Specifications, Current Edition.

2.0 MATERIALS.

2.1 Granular Embankment. Conform to Subsection 805.10. When Granular Embankment materials are erodible or unstable according to Subsection 805.03.04, use the Special Construction Methods found in 3.2 of the Special Provision.

2.2 Rock Embankment. Provide durable rock from roadway excavation that consists principally of Unweathered Limestone, Durable Shale (SDI equal to or greater than 95 according to KM 64-513), or Durable Sandstone.

2.3 Pile Core. Provide a pile core in the area of the embankments where deep foundations are to be installed unless otherwise specified. The Pile Core is the zone indicated on Standard Drawings RGX 100 and 105 designated as Pile Core. Material control of the pile core area during embankment construction is always required. Proper Pile Core construction is required for installation of foundation elements such as drilled or driven piles or drilled shafts. The type of material used to construct the pile core is as directed in the plans or below. Typically, the pile core area will be constructed from the same material used to construct the surrounding embankment. Pile Core can be classified as one of three types:

A) Pile Core - Conform to Section 206 of the Standard Specifications. Provide pile core material consisting of the same material as the adjacent embankment except the material in the pile core area shall be free of boulders or particle sizes larger than 4 inches in any dimension or any other obstructions that may hinder pile driving operations. If the pile core material hinders pile driving operations, take the appropriate means necessary to reach the required pile tip elevation, at no expense to the Department.

B) Granular Pile Core. Granular pile core is required only when specified in the plans. Select a gradation of durable rock to facilitate pile driving that conforms to Subsection 805.11. If granular pile core material hinders pile driving operations, take appropriate means necessary to reach the required pile tip elevation, at no expense to the Department.

C) Cohesive Pile Core. Cohesive Pile Core is required only when specified in the plans. Conform to Section 206 of the Standard Specifications and use soil with at least 50 percent passing a No. 4 sieve having a minimum Plasticity Index (PI) of 10. In addition, keep the cohesive pile core free of boulders, larger than 4 inches in any dimension, or any other obstructions, which would interfere with drilling operations. If cohesive pile core material interferes with drilling operations, take appropriate means necessary to maintain

excavation stability, at no expense to the Department.

2.4 Structure Granular Backfill. Conform to Subsection 805.11

2.5 Geotextile Fabric. Conform to Type I or Type IV in Section 214 and 843.

3.0 CONSTRUCTION.

3.1 General. Construct roadway embankments at end bents according to Section 206 and in accordance with the Special Provision, the Plans, and Standard Drawings for the full embankment section. In some instances, granular or rock embankment will be required for embankment construction for stability purposes, but this special provision does not prevent the use of soil when appropriate. Refer to the plans for specific details regarding material requirements for embankment construction.

Place and compact the pile core and structure granular backfill according to the applicable density requirements for the project. If the embankment and pile core are dissimilar materials (i.e., a granular pile core is used with a soil embankment or a cohesive pile core is used with a granular embankment), a Geotextile Fabric, Type IV, will be required between the pile core and embankment in accordance with Sections 214 and 843 of the Standard Specifications.

When granular or rock embankment is required for embankment construction, conform to the general requirements of Subsection 206.03.02 B. In addition, place the material in no greater than 2-foot loose lifts and compact with a vibrating smooth wheel roller capable of producing a minimum centrifugal force of 15 tons. Apply these requirements to the full width of the embankment for a distance of half the embankment height or 50 feet, whichever is greater, as shown on Standard Drawing RGX-105.

When using granular pile core, install 8-inch perforated underdrain pipe at or near the elevation of the original ground in the approximate locations depicted on the standard drawing, and as the Engineer directs, to ensure positive drainage of the embankment. Wrap the perforated pipe with a fabric of a type recommended by the pipe manufacturer.

After constructing the embankment, excavate for the end bent cap, drive piling, install shafts or other foundation elements, place the mortar bed, construct the end bent, and complete the embankment to finish grade according to the construction sequence shown on the Plans or Standard Drawings and as specified hereinafter.

Certain projects may require widening of existing embankments and the removal of substructures. Construct embankment according to the plans. Substructure removal shall be completed according to the plans and Section 203. Excavation may be required at the existing embankment in order to place the structure granular backfill as shown in the Standard Drawings.

After piles are driven or shafts installed (see design drawings), slope the bottom of the excavation towards the ends of the trench as noted on the plans for drainage. Using a separate pour, place concrete mortar, or any class concrete, to provide a base for forming and placing the cap. Place side forms for the end bent after the mortar has set sufficiently to support workmen and forms without being disturbed.

Install 4-inch perforated pipe in accordance with the plans and Standard Drawings. In the event slope protection extends above the elevation of the perforated pipe, extend the pipe through the slope protection.

After placing the end bent cap and achieving required concrete cylinder strengths, remove adjacent forms and fill the excavation with compacted structure granular backfill material (maximum 1' loose lifts) to the level of the berm prior to placing beams for the bridge. Place Type IV geotextile fabric between embankment material and structure granular backfill. After completing the end bent backwall, or after completing the span end

wall, place the compacted structure granular backfill (maximum 1' loose lifts) to subgrade elevation. If the original excavation is enlarged, fill the entire volume with compacted structure granular backfill (maximum 1' loose lifts) at no expense to the Department. Do not place backfill before removing adjacent form work. Place structure granular backfill material in trench ditches at the ends of the excavation. Place Geotextile Fabric, Type IV over the surface of the compacted structure granular backfill prior to placing aggregate base course.

Tamp the backfill with hand tampers, pneumatic tampers, or other means approved by the Engineer. Thoroughly compact the backfill under the overhanging portions of the structure to ensure that the backfill is in intimate contact with the sides of the structure.

Do not apply seeding, sodding, or other vegetation to the exposed granular embankment.

3.2 Special Construction Methods. Erodible or unstable materials may erode even when protected by riprap or channel lining; use the special construction method described below when using these materials.

Use fine aggregates or friable sandstone granular embankment at "dry land" structures only. Do not use them at stream crossings or locations subject to flood waters.

For erodible or unstable materials having 50 percent or more passing the No. 4 sieve, protect with geotextile fabric. Extend the fabric from the original ground to the top of slope over the entire area of the embankment slopes on each side of, and in front of, the end bent. Cover the fabric with at least 12 inches of non-erodible material.

For erodible or unstable materials having less than 50 percent passing a No. 4 sieve, cover with at least 12 inches of non-erodible material.

Where erodible or unstable granular embankment will be protected by riprap or channel lining, place Type IV geotextile fabric between the embankment and the specified slope protection.

4.0 MEASUREMENT.

4.1 Granular Embankment. The Department will measure the quantity in cubic yards using the plan quantity, increased or decreased by authorized adjustments as specified in Section 204. The Department will not measure for payment any Granular Embankment that is not called for in the plans.

The Department will not measure for payment any special construction caused by using erodible or unstable materials and will consider it incidental to the Granular Embankment regardless of whether the erodible or unstable material was specified or permitted.

4.2 Rock Embankment. The Department will not measure for payment any rock embankment and will consider it incidental to roadway excavation or embankment in place, as applicable. Rock embankments will be constructed using granular embankment on projects where there is no available rock present within the excavation limits of the project.

4.3 Pile Core. Pile core will be measured and paid under roadway excavation or embankment in place, as applicable. The Department will not measure the pile core for separate payment. The Department will not measure for payment the 8-inch perforated underdrain pipe and will consider it incidental to the Pile Core.

4.4 Structure Granular Backfill. The Department will measure the quantity in cubic yards using the plan quantity, increased or decreased by authorized adjustments as specified in Section 204. The Department will not measure any additional material required for backfill outside the limits shown on the Plans and Standard Drawings for payment and will

consider it incidental to the work.

The Department will not measure for payment the 4-inch perforated underdrain pipe and will consider it incidental to the Structure Granular Backfill.

4.5 Geotextile Fabric. The Department will not measure the quantity of fabric used for separating dissimilar materials when constructing the embankment and pile core and will consider it incidental to embankment construction.

The Department will not measure for payment the Geotextile Fabric used to separate the Structure Granular Backfill from the embankment and aggregate base course and will consider it incidental to Structure Granular Backfill.

The Department will not measure for payment the Geotextile Fabric required for construction with erodible or unstable materials and will consider it incidental to embankment construction.

4.6 End Bent. The Department will measure the quantities according to the Contract. The Department will not measure furnishing and placing the 2-inch mortar or concrete bed for payment and will consider it incidental to the end bent construction.

4.7 Structure Excavation. The Department will not measure structure excavation on new embankments for payment and will consider it incidental to the Structure Granular Backfill or Concrete as applicable.

5.0 PAYMENT. The Department will make payment for the completed and accepted quantities under the following:

<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
02223	Granular Embankment	Cubic Yards
02231	Structure Granular Backfill	Cubic Yards

The Department will consider payment as full compensation for all work required in this provision.

September 16, 2016

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

**TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS**

**LABOR AND WAGE REQUIREMENTS
APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS**

- I. Application
- II. Nondiscrimination of Employees (KRS 344)

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual because of his race, color, religion, national origin, sex, disability or age forty (40) and over, in admission to, or employment in any program established to provide apprenticeship or other training.

4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

Revised: January 25, 2017

II. NONDISCRIMINATION OF EMPLOYEES

**AN ACT OF THE KENTUCKY
GENERAL ASSEMBLY TO PREVENT
DISCRIMINATION IN EMPLOYMENT
KRS CHAPTER 344
EFFECTIVE JUNE 16, 1972**

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (forty and above); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age forty (40) and over. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, when religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, is a bona fide occupational qualification for employment.

EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (7) provides:

No present or former public servant shall, within six (6) months following termination of his office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, or for which he received, prior to his state employment, a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last thirty-six (36) months of his tenure in state government. This subsection shall not prohibit the performance of ministerial functions, including but not limited to filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

KRS 11A.040 (9) states:

A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, 3 Fountain Place, Frankfort, Kentucky 40601; telephone (502) 564-7954.

Kentucky Equal Employment Opportunity Act of 1978

The requirements of the Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) shall apply to this Contract. The apparent low Bidder will be required to submit EEO forms to the Division of Construction Procurement, which will then forward to the Finance and Administration Cabinet for review and approval. No award will become effective until all forms are submitted and EEO/CC has certified compliance. The required EEO forms are as follows:

- EEO-1: Employer Information Report
- Affidavit of Intent to Comply
- Employee Data Sheet
- Subcontractor Report

These forms are available on the Finance and Administration's web page under ***Vendor Information, Standard Attachments and General Terms*** at the following address:
<https://www.eProcurement.ky.gov>.

Bidders currently certified as being in compliance by the Finance and Administration Cabinet may submit a copy of their approval letter in lieu of the referenced EEO forms.

For questions or assistance please contact the Finance and Administration Cabinet by email at **finance.contractcompliance@ky.gov** or by phone at 502-564-2874.

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

OVERTIME PAY

At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

No more than

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment.

TIP CREDIT

Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

ENFORCEMENT

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

For additional information:



1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

PART IV

INSURANCE

Refer to
Kentucky Standard Specifications for Road and Bridge Construction,
current edition

PART V

BID ITEMS

Report Date 10/14/21

Section: 0001 - BRIDGE - 048C00023N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0010	02223		GRANULAR EMBANKMENT	28.00	CUYD		\$	
0020	02355		GUARDRAIL-STEEL W BEAM-S FACE A	93.75	LF		\$	
0030	02360		GUARDRAIL TERMINAL SECTION NO 1	4.00	EACH		\$	
0040	02399		EXTRA LENGTH GUARDRAIL POST	30.00	EACH		\$	
0050	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0060	02651		DIVERSIONS (BY-PASS DETOURS)	1.00	LS		\$	
0070	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
0080	02726		STAKING	1.00	LS		\$	
0090	03299		ARMORED EDGE FOR CONCRETE	27.00	LF		\$	
0100	03304		BRIDGE OVERLAY APPROACH PAVEMENT	75.00	SQYD		\$	
0110	08003		FOUNDATION PREPARATION	1.00	LS		\$	
0120	08019		CYCLOPEAN STONE RIP RAP	13.00	TON		\$	
0130	08100		CONCRETE-CLASS A	1.50	CUYD		\$	
0140	08104		CONCRETE-CLASS AA	18.00	CUYD		\$	
0150	08150		STEEL REINFORCEMENT	600.00	LB		\$	
0160	08151		STEEL REINFORCEMENT-EPOXY COATED	5,450.00	LB		\$	
0170	08301		REMOVE SUPERSTRUCTURE	1.00	LS		\$	
0180	08801		GUARDRAIL-STEEL W BEAM-S FACE BR	50.00	LF		\$	
0190	21415ND		EROSION CONTROL	1.00	LS		\$	
0200	21476ED		SNOW FENCE	1,700.00	LF		\$	
0210	22146EN		CONCRETE PATCHING REPAIR	5.00	SQFT		\$	
0220	23378EC		CONCRETE SEALING	1,010.00	SQFT		\$	
0230	24845EC		UTILITY COORDINATION	1.00	LS		\$	

Section: 0002 - BRIDGE - 048B00097N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0240	00001		DGA BASE	683.00	TON		\$	
0250	00078		CRUSHED AGGREGATE SIZE NO 2	484.20	TON		\$	
0260	00100		ASPHALT SEAL AGGREGATE	10.00	TON		\$	
0270	00103		ASPHALT SEAL COAT	2.00	TON		\$	
0280	00212		CL2 ASPH BASE 1.00D PG64-22	624.00	TON		\$	
0290	00301		CL2 ASPH SURF 0.38D PG64-22	97.00	TON		\$	
0300	00462		CULVERT PIPE-18 IN	45.00	LF		\$	
0310	00464		CULVERT PIPE-24 IN	47.00	LF		\$	
0320	01433		SLOPED BOX OUTLET TYPE 1-18 IN	2.00	EACH		\$	
0330	01434		SLOPED BOX OUTLET TYPE 1-24 IN	2.00	EACH		\$	
0340	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	4.00	EACH		\$	
0350	02091		REMOVE PAVEMENT	1,200.00	SQYD		\$	
0360	02200		ROADWAY EXCAVATION	1,871.00	CUYD		\$	
0370	02351		GUARDRAIL-STEEL W BEAM-S FACE	262.50	LF		\$	
0380	02381		REMOVE GUARDRAIL	70.00	LF		\$	
0390	02391		GUARDRAIL END TREATMENT TYPE 4A	1.00	EACH		\$	
0400	02483		CHANNEL LINING CLASS II	55.00	TON		\$	

Report Date 10/14/21

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0410	02545		CLEARING AND GRUBBING Approx. less than 1 acre	1.00	LS		\$	
0420	02585		EDGE KEY	24.00	LF		\$	
0430	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0440	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
0450	02726		STAKING	1.00	LS		\$	
0460	02731		REMOVE STRUCTURE	1.00	LS		\$	
0470	05950		EROSION CONTROL BLANKET	612.00	SQYD		\$	
0480	06406		SBM ALUM SHEET SIGNS .080 IN	9.00	SQFT		\$	
0490	06410		STEEL POST TYPE 1	15.00	LF		\$	
0500	06568		PAVE MARKING-THERMO STOP BAR-24IN	32.00	LF		\$	
0510	21415ND		EROSION CONTROL	1.00	LS		\$	
0520	21476ED		SNOW FENCE	2,307.00	LF		\$	
0530	24540		R/W MONUMENT TYPE 3	7.00	EACH		\$	
0540	24631EC		BARCODE SIGN INVENTORY	1.00	EACH		\$	

Section: 0003 - BRIDGE - 048C00076N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0550	00001		DGA BASE	170.00	TON		\$	
0560	02223		GRANULAR EMBANKMENT	28.00	CUYD		\$	
0570	02355		GUARDRAIL-STEEL W BEAM-S FACE A	100.00	LF		\$	
0580	02360		GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH		\$	
0590	02371		GUARDRAIL END TREATMENT TYPE 7	2.00	EACH		\$	
0600	02399		EXTRA LENGTH GUARDRAIL POST	32.00	EACH		\$	
0610	02610		RETAINING WALL-GABION	12.00	CUYD		\$	
0620	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0630	02651		DIVERSIONS (BY-PASS DETOURS)	1.00	LS		\$	
0640	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
0650	02726		STAKING	1.00	LS		\$	
0660	03250		WATERPROOFING MEMBRANE	85.00	SQYD		\$	
0670	03304		BRIDGE OVERLAY APPROACH PAVEMENT	150.00	SQYD		\$	
0680	08003		FOUNDATION PREPARATION	1.00	LS		\$	
0690	08150		STEEL REINFORCEMENT	200.00	LB		\$	
0700	08301		REMOVE SUPERSTRUCTURE	1.00	LS		\$	
0710	08654		PRECAST PC BOX BEAM B27-48	186.00	LF		\$	
0720	08801		GUARDRAIL-STEEL W BEAM-S FACE BR	124.00	LF		\$	
0730	21415ND		EROSION CONTROL	1.00	LS		\$	
0740	21476ED		SNOW FENCE	1,350.00	LF		\$	
0750	22146EN		CONCRETE PATCHING REPAIR	10.00	SQFT		\$	
0760	23378EC		CONCRETE SEALING	2,475.00	SQFT		\$	

Section: 0004 - BRIDGE - 066C00093N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0770	01690		FLUME INLET TYPE 1	1.00	EACH		\$	
0780	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	4.00	EACH		\$	

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LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0790	02091		REMOVE PAVEMENT	81.00	SQYD		\$	
0800	02200		ROADWAY EXCAVATION	85.00	CUYD		\$	
0810	02223		GRANULAR EMBANKMENT	45.00	CUYD		\$	
0820	02351		GUARDRAIL-STEEL W BEAM-S FACE	25.00	LF		\$	
0830	02369		GUARDRAIL END TREATMENT TYPE 2A	2.00	EACH		\$	
0840	02399		EXTRA LENGTH GUARDRAIL POST	12.00	EACH		\$	
0850	02545		CLEARING AND GRUBBING Less than 1 acre	1.00	LS		\$	
0860	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0870	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
0880	02726		STAKING	1.00	LS		\$	
0890	02731		REMOVE STRUCTURE	1.00	LS		\$	
0900	03299		ARMORED EDGE FOR CONCRETE	23.00	LF		\$	
0910	03304		BRIDGE OVERLAY APPROACH PAVEMENT	172.00	SQYD		\$	
0920	08003		FOUNDATION PREPARATION	1.00	LS		\$	
0930	08019		CYCLOPEAN STONE RIP RAP	281.00	TON		\$	
0940	08033		TEST PILES	55.00	LF		\$	
0950	08039		PRE-DRILLING FOR PILES	149.00	LF		\$	
0960	08046		PILES-STEEL HP12X53	124.00	LF		\$	
0970	08094		PILE POINTS-12 IN	8.00	EACH		\$	
0980	08100		CONCRETE-CLASS A	15.80	CUYD		\$	
0990	08104		CONCRETE-CLASS AA	48.70	CUYD		\$	
1000	08151		STEEL REINFORCEMENT-EPOXY COATED	10,989.00	LB		\$	
1010	08160		STRUCTURAL STEEL Approx. 47,580 lbs	1.00	LS		\$	
1020	08170		SHEAR CONNECTORS Approx. 490 lbs	1.00	LS		\$	
1030	14081		W SERVICE RELOCATE	3.00	EACH		\$	
1040	20629NS719		THRIE BEAM TO W BEAM CONNECTOR Includes connection to classic rail	2.00	EACH		\$	
1050	21289ED		LONGITUDINAL EDGE KEY	85.00	LF		\$	
1060	21415ND		EROSION CONTROL	1.00	LS		\$	
1070	23378EC		CONCRETE SEALING	2,985.00	SQFT		\$	
1080	25028ED		RAIL SYSTEM SINGLE SLOPE - 40 IN	163.00	LF		\$	

Section: 0005 - BRIDGE - 066C00088N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1090	00001		DGA BASE	130.00	TON		\$	
1100	00212		CL2 ASPH BASE 1.00D PG64-22	125.00	TON		\$	
1110	00301		CL2 ASPH SURF 0.38D PG64-22	20.00	TON		\$	
1120	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	8.00	EACH		\$	
1130	02091		REMOVE PAVEMENT	53.00	SQYD		\$	
1140	02223		GRANULAR EMBANKMENT	28.00	CUYD		\$	
1150	02230		EMBANKMENT IN PLACE	220.00	CUYD		\$	
1160	02351		GUARDRAIL-STEEL W BEAM-S FACE	37.50	LF		\$	
1170	02355		GUARDRAIL-STEEL W BEAM-S FACE A	100.00	LF		\$	
1180	02360		GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH		\$	
1190	02371		GUARDRAIL END TREATMENT TYPE 7	2.00	EACH		\$	

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LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1200	02399		EXTRA LENGTH GUARDRAIL POST	32.00	EACH		\$	
1210	02545		CLEARING AND GRUBBING Less than 1 acre	1.00	LS		\$	
1220	02585		EDGE KEY	24.00	LF		\$	
1230	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
1240	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
1250	02726		STAKING	1.00	LS		\$	
1260	02731		REMOVE STRUCTURE	1.00	LS		\$	
1270	03299		ARMORED EDGE FOR CONCRETE	32.00	LF		\$	
1280	08003		FOUNDATION PREPARATION	1.00	LS		\$	
1290	08019		CYCLOPEAN STONE RIP RAP	260.00	TON		\$	
1300	08033		TEST PILES	48.00	LF		\$	
1310	08039		PRE-DRILLING FOR PILES	160.00	LF		\$	
1320	08046		PILES-STEEL HP12X53	345.00	LF		\$	
1330	08094		PILE POINTS-12 IN	16.00	EACH		\$	
1340	08100		CONCRETE-CLASS A	192.00	CUYD		\$	
1350	08104		CONCRETE-CLASS AA	58.00	CUYD		\$	
1360	08150		STEEL REINFORCEMENT	9,372.00	LB		\$	
1370	08151		STEEL REINFORCEMENT-EPOXY COATED	4,533.00	LB		\$	
1380	08665		PRECAST PC BOX BEAM CB33-48	336.00	LF		\$	
1390	08801		GUARDRAIL-STEEL W BEAM-S FACE BR	168.00	LF		\$	
1400	21415ND		EROSION CONTROL	1.00	LS		\$	
1410	21476ED		SNOW FENCE	730.00	LF		\$	
1420	23378EC		CONCRETE SEALING	4,630.00	SQFT		\$	
1430	24540		R/W MONUMENT TYPE 3	8.00	EACH		\$	

Section: 0006 - BRIDGE - 066C00090N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1440	00020		TRAFFIC BOUND BASE	170.00	TON		\$	
1450	00078		CRUSHED AGGREGATE SIZE NO 2	315.00	TON		\$	
1460	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	12.00	EACH		\$	
1470	02223		GRANULAR EMBANKMENT	28.00	CUYD		\$	
1480	02351		GUARDRAIL-STEEL W BEAM-S FACE	100.00	LF		\$	
1490	02371		GUARDRAIL END TREATMENT TYPE 7	8.00	EACH		\$	
1500	02397		TEMP GUARDRAIL	200.00	LF		\$	
1510	02399		EXTRA LENGTH GUARDRAIL POST	16.00	EACH		\$	
1520	02545		CLEARING AND GRUBBING Less than 1 acre	1.00	LS		\$	
1530	02602		FABRIC-GEOTEXTILE CLASS 1	1,170.00	SQYD		\$	
1540	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
1550	02651		DIVERSIONS (BY-PASS DETOURS)	1.00	LS		\$	
1560	02671		PORTABLE CHANGEABLE MESSAGE SIGN	2.00	EACH		\$	
1570	02726		STAKING	1.00	LS		\$	
1580	02731		REMOVE STRUCTURE	1.00	LS		\$	
1590	03299		ARMORED EDGE FOR CONCRETE	24.00	LF		\$	
1600	03304		BRIDGE OVERLAY APPROACH PAVEMENT	75.00	SQYD		\$	
1610	08003		FOUNDATION PREPARATION	1.00	LS		\$	

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LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1620	08019		CYCLOPEAN STONE RIP RAP	198.00	TON		\$	
1630	08033		TEST PILES	53.00	LF		\$	
1640	08046		PILES-STEEL HP12X53	270.00	LF		\$	
1650	08094		PILE POINTS-12 IN	14.00	EACH		\$	
1660	08100		CONCRETE-CLASS A	103.00	CUYD		\$	
1670	08104		CONCRETE-CLASS AA	31.00	CUYD		\$	
1680	08151		STEEL REINFORCEMENT-EPOXY COATED	13,479.00	LB		\$	
1690	08664		PRECAST PC BOX BEAM CB27-48	207.00	LF		\$	
1700	21415ND		EROSION CONTROL	1.00	LS		\$	
1710	23378EC		CONCRETE SEALING	2,413.00	SQFT		\$	
1720	25017ED		RAIL SYSTEM SIDE MOUNTED MGS	125.00	LF		\$	

Section: 0007 - BRIDGE - 066C00079N

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1730	02223		GRANULAR EMBANKMENT	28.00	CUYD		\$	
1740	02351		GUARDRAIL-STEEL W BEAM-S FACE	50.00	LF		\$	
1750	02355		GUARDRAIL-STEEL W BEAM-S FACE A	50.00	LF		\$	
1760	02360		GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH		\$	
1770	02367		GUARDRAIL END TREATMENT TYPE 1	2.00	EACH		\$	
1780	02399		EXTRA LENGTH GUARDRAIL POST	8.00	EACH		\$	
1790	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
1800	02671		PORTABLE CHANGEABLE MESSAGE SIGN	4.00	EACH		\$	
1810	02731		REMOVE STRUCTURE	1.00	LS		\$	
1820	03250		WATERPROOFING MEMBRANE	107.60	SQYD		\$	
1830	03304		BRIDGE OVERLAY APPROACH PAVEMENT	196.50	SQYD		\$	
1840	08001		STRUCTURE EXCAVATION-COMMON	149.00	CUYD		\$	
1850	08002		STRUCTURE EXCAV-SOLID ROCK	72.05	CUYD		\$	
1860	08003		FOUNDATION PREPARATION	1.00	LS		\$	
1870	08019		CYCLOPEAN STONE RIP RAP	30.00	TON		\$	
1880	08100		CONCRETE-CLASS A	118.70	CUYD		\$	
1890	08151		STEEL REINFORCEMENT-EPOXY COATED	13,758.00	LB		\$	
1900	08654		PRECAST PC BOX BEAM B27-48	242.00	LF		\$	
1910	08801		GUARDRAIL-STEEL W BEAM-S FACE BR	112.50	LF		\$	
1920	21415ND		EROSION CONTROL	1.00	LS		\$	
1930	21476ED		SNOW FENCE	1,100.00	LF		\$	
1940	24982EC		CONCRETE COATING Approx. 2248 sf	1.00	LS		\$	

Section: 0008 - DEMOBILIZATION &/OR MOBILIZATION

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
1950	02568		MOBILIZATION	1.00	LS		\$	
1960	02569		DEMOBILIZATION	1.00	LS		\$	