

N O T I C E

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
(NATIONWIDE PERMIT AUTHORIZATION)**

PROJECT: Livingston County (US-60), Item No. 1-330.00
Reconstruction

The Section 404 activities for this project have been previously permitted under the authority of the Department of the Army Nationwide Permit No. 14 "Linear Transportation Crossings". In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit in a conspicuous location at the project site for the duration of 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 Corps of Engineers. A copy of any request to the Corps of Engineers 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.



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

November 18, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: File Nos. 200901510 thru 200901525; Proposed Linear Transportation Crossings Associated with the Reconstruction of US 60 in Livingston County, Kentucky

Kentucky Transportation Cabinet
Department of Highways
Kentucky Transportation Office Building
200 Mero Street
Frankfort, Kentucky 40622

Dear Sirs:

This is in regard to the application for a Department of the Army (DA) permit for the linear transportation crossings. The project has been assigned File Nos. 200901510 thru 200901524.

Based upon the information submitted to this office, to the extent the U.S. Army Corps of Engineers has jurisdiction over discharge of dredged or fill material associated with the work, we have determined that the work has been previously permitted under authority of DA Nationwide Permit (NWP) #14, which became effective March 19, 2007. The proposed work must be constructed in accordance with the enclosed plans and Conditions.

It should be noted that if you fail to comply with any of the conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5(d).

The notification that the work is approved under the Nationwide Permit mentioned above is valid until two years from date of letter unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid.

The Commonwealth of Kentucky issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed 401 certification.

Before you begin construction, you may also need to obtain approval from the Tennessee Valley Authority for File Nos. 200901510-200901514, 200901518 and 200901524.

Concerning File No. 200501525, in accordance with 33 USC 403, the proposed linear transportation crossing is hereby authorized at the subject location in accordance with the enclosed plans, marked Exhibits A and B. The work authorized is subject to the enclosed General Conditions.

If the work herein authorized is not completed within five years, this permit, if not previously revoked or specifically extended, shall automatically expire.

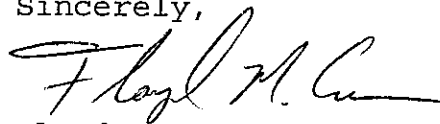
The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause 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.

You are also responsible for obtaining any other federal, state, and/or local permits, approvals, or authorizations.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

If you have any questions, please contact me at the above address or telephone 369-7503.

Sincerely,



Floyd M. Carnes
Project Manager
Operations Division

Enclosures

Copy Furnished:

Mr. Roy Collins, Permits Coordinator
Division of Environmental Analysis
Kentucky Transportation Office Building
200 Mero Street
Frankfort, KY 40622

TVA Paris
2835-A East Wood St
Paris, TN 38242

Kentucky Natural Resources and
Environmental Protection Cabinet
Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601

ATTENTION

YOU ARE REQUIRED TO SUBMIT THIS SIGNED
CERTIFICATION REGARDING THE COMPLETED
ACTIVITY AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by Permit No. 200901510 THRU
200901525
and any required mitigation was done in accordance with the Corps
authorization, including any general or special conditions.

Permittee Signature

Date _____

Submit this signed certification to the office checked below:

U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214
Attn: Floyd M. Carnes

Eastern Regulatory Field Office
P.O. Box 465
Lenoir City, TN 37771

Western Regulatory Field Office
2042 Beltline Road, Southwest
Building C, Suite 415
Decatur, AL 35601



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher
Governor

Capital Plaza Tower
500 Mero Street, 5th Floor
Frankfort, Kentucky 40601
Phone: (502) 564-5525
Fax: (502) 564-3354
www.eppc.ky.gov

Teresa J. Hill
Secretary

General Certification--Nationwide Permit # 14 Linear Transportation Projects

This General Certification is effective March 19, 2007, 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.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or (10) are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, 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 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 14, namely Linear Transportation Projects, provided that the following conditions are met:

1. This general certification shall not apply to nationwide permits issued for individual crossings that are part of a larger road segment project where the cumulative, unmitigated wetland impacts within a 14-HUC total one (1) acre or more.
2. The individual stream crossing will impact less than 300 linear feet of intermittent or perennial streams, unless excluded by condition # 3. Impacts to ephemeral streams are not limited under this general certification.
3. This general certification shall not apply to nationwide permits issued for individual crossings which meet condition # 2 but that are part of a larger road segment project where the cumulative, unmitigated intermittent and perennial stream impacts within a 14-HUC exceed 500 linear feet.
4. The activity will not occur within waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Waters, Cold Water Aquatic Habitat, or Exceptional Waters.

General Certification--Nationwide Permit #14
Linear Transportation Crossings
Page Two

5. Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.
6. Projects that do not meet the conditions of this general 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:
 - Stream crossings shall be constructed in such a manner that does not impede the movement of aquatic organisms.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
 - To the maximum extent practicable, all in stream work under this certification shall be performed during low flow.
 - 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 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 riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
 - 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 work will be done.

**General Certification--Nationwide Permit #14
Linear Transportation Crossings
Page Three**

- Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- 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.

This general certification will expire on March 19, 2012, or sooner if the USACE makes significant changes to this nationwide permit.

Special Conditions

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

7. The permittee shall ensure that all construction equipment is refueled and maintained on an upland site away from existing streams, drainageways and wetland areas. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.

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

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

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

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

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

from the U.S. Fish and Wildlife Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Obligations under Section 7 of the Act must be reconsidered by the Corps Districts if (1) new information reveals impacts of the proposed action may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

13. The permittee shall not perform any activity under the LOP which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The permittee must notify the District Engineer if the activity authorized by the LOP may affect any historic properties listed, determined to be eligible or which the permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin construction until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the Kentucky Heritage Council. If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the activity authorized by the LOP, work must be immediately stopped and this office immediately notified regarding the discovery. The District will initiate the Federal, Tribal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

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

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

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

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

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

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

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

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



**US Army Corps
of Engineers,
Nashville District**

Nationwide Permit 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 US. (c) The permittee understands and agrees that, if future operations by the US 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 US. No claim shall be made against the US 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. Culverts placed in streams must be installed to maintain low flow conditions.
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 US 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 related to a shellfish harvesting activity authorized by NWP 4 and 48.
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 a 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 preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, 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 preconstruction 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 US during periods of low-flow or no-flow.
13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations and revegetated, as appropriate.
14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
15. **Wild and Scenic Rivers.** 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. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).
16. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
17. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-

federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the 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 may affect Federally-listed species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS, the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) 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, both lethal and non-lethal "takes" of protected species are in violation of the ESA. 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 Webpages at <http://www.fws.gov> and <http://www.noaa.gov/fisheries.htm> respectively.

18. Historic Properties. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Prospective permittees should beware that section 110k of the NHPA (16 USC 470h-2(k)) 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.

19. Designated Critical Resource Waters. Critical resource waters including state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment. (a) Discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The activity must be constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e. on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

21. Water Quality Certification. The activity must comply with case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification. 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.

22. 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 US 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 water is constructed under NWP14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1.3-acre.

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

Transferee _____

Date _____

24. Compliance Certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification form is included with this verification.

25. 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.

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.

SUMMARY OF SECTION 404 IMPACTS

Livingston County
US 60 Reconstruction
Item No. 1-330.00

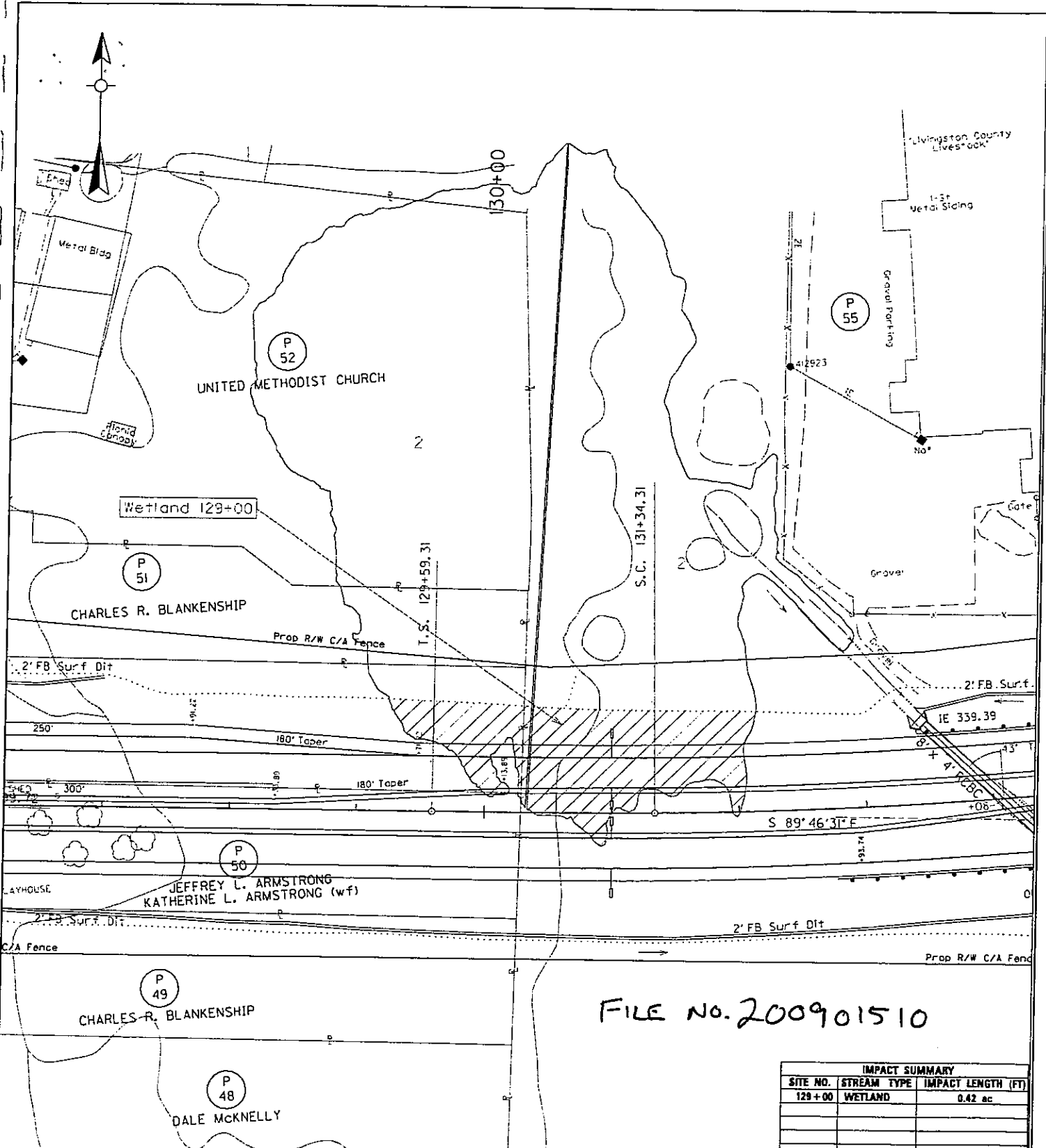
Impacts By Proposed US 60 Reconstruction To Streams & Wetlands

[Please note: Impacts are arranged below in the order that the sites occur moving along the project from west to east.]

1. **Sta. 129+00** – Construct a controlled fill over **0.42 acre** of jurisdictional wetland near latitude 37.043695, longitude -88.507808. This forested and emergent wetland is associated with an unnamed tributary of Beaverdam Slough with a drainage area of approximately 38 acres. Mitigation will be in the form of in-lieu fee. A proposed 2:1 ratio requires an in-lieu fee of \$12,600.00. (Nationwide 14) (FILE NO 200901510)
2. **Sta. 134+08** – Construct roadway impacting **300'** of an U.T. Beaverdam Slough at approximate latitude 37.043446, longitude -88.505997. This portion of the stream will be filled with excavated material and the drainage conveyed through 300' of culvert and inlet/outlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 12.6 acres. The impact to the water is **0.023 acre**. (Nationwide 14) (FILE NO 200901511)
3. **Sta. 135+50** – Construct roadway impacting **98'** of U.T. Beaverdam Slough at approximate latitude 37.043601, longitude -88.505592. This portion of the stream will be filled with excavated material and the drainage conveyed through 252' of culvert and outlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 5.3 acres. The impact to the water is **0.005 acre**. (Nationwide 14) (FILE NO 200901512)
4. **Sta. 135+69** – Construct roadway impacting **245'** of U.T. Beaverdam Slough at approximate latitude 37.043386, longitude -88.505505. This portion of the stream will be filled with excavated material and the drainage conveyed through 252' of culvert and inlet/outlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 8.8 acres. The impact to the water is **0.016 acre**. (Nationwide 14) (FILE NO 200901513)

5. **Sta. 160+00** – Construct roadway impacting **378'** of an U.T. Ohio River at approximate latitude 37.044897, longitude -88.497911. This portion of the stream will be filled with excavated material and the drainage conveyed through 336' of culvert and inlet/outlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 18.9 acres. The impact to the water is **0.034 acre**. (Nationwide 14) (FILE NO 200901514)
6. **Sta. 179+33** – Construct roadway impacting **95'** of an U.T. Ohio River at approximate latitude 37.045815, longitude -88.490752. This portion of the stream will be filled with excavated material, and the drainage conveyed through 95' of inlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 4.1 acres. The impact to the water is **0.005 acre**. (Nationwide 14) (FILE NO 200901515)
7. **Sta. 180+80** - Construct roadway impacting **325'** of an U.T. Ohio River at approximate latitude 37.046100, longitude -88.490781. This portion of the stream will be filled with excavated material, and the drainage conveyed through 325' of culvert & inlet/outlet channel. Field investigations indicate this stream is **intermittent** in nature with a watershed of 64 acres. The impact to the water is **0.046 acre**. (Nationwide 14) (FILE NO 200901516)
8. **Sta. 191+62** – Construct a controlled fill over **0.07 acre** of jurisdictional wetland near latitude 37.045868, longitude -88.486547. This emergent wetland is associated with an unnamed tributary of Ohio River with a drainage area of approximately 5.6 acres. Mitigation is not required because the wetland is less than 0.1 acre in size. (Nationwide 14) (FILE NO. 200901517)
9. **Sta. 222+00** – Construct roadway impacting **248'** of Beaverdam Slough at approximate latitude 37.044776, longitude -88.476410. The stream will be crossed by a new bridge; fill of excavated material will be placed in the stream near the bridge abutments. Field investigations indicate this stream is **perennial** in nature with a watershed of 275 acres. The impact to the water is **0.061 acre**. (Nationwide 14) (FILE NO 200901518)
10. **Sta. 231+00** – Construct a controlled fill over **0.34 acre** of jurisdictional wetland near latitude 37.043988, longitude -88.473389. This forested wetland is associated with an unnamed tributary of Drake Creek with a drainage area of approximately 13 acres. Mitigation will be in the form of in-lieu fee. A proposed 2:1 ratio requires an in-lieu fee of \$10,200.00. (Nationwide 14) (FILE NO. 200901511)
11. **Sta. 233+00** – Construct a controlled fill over **0.11 acre** of jurisdictional wetland near latitude 37.044149, longitude -88.472829. This emergent wetland is associated with an unnamed tributary of Drake Creek with a drainage area of approximately 13 acres. Mitigation will be in the form of in-lieu fee. A proposed 2:1 ratio requires an in-lieu fee of \$3,300.00. (Nationwide 14) (FILE NO 200901520)

12. **Sta. 238+37** – Construct roadway impacting 282' of Drake Creek at approximate latitude 37.044202, longitude -88.470888. This portion of the stream will be filled with excavated material, and the drainage conveyed through 270' of culvert & inlet/outlet channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 9.5 acres. The impact to the water is **0.019 acre**. (Nationwide 14) (FILE NO. 200901521)
13. **Sta. 250+28** – Construct a controlled fill over **0.14 acre** of jurisdictional wetland near latitude 37.046216, longitude -88.467022. This emergent wetland is associated with an unnamed tributary of Drake Creek with a drainage area of approximately 7 acres. Mitigation will be in the form of in-lieu fee. A proposed 2:1 ratio requires an in-lieu fee of \$4,200.00. (Nationwide 14) (FILE NO 200901522)
14. **Sta. 255+00** – Construct a controlled fill over **1.37 acre** of jurisdictional wetland near latitude 37.046580, longitude -88.465783. This forested and emergent wetland is associated with an unnamed tributary of Drake Creek with a drainage area of approximately 27 acres. Mitigation will be in the form of in-lieu fee. A proposed 2:1 ratio requires an in-lieu fee of \$41,100.00. (Individual/LOP). (FILE NO. 200901525)
15. **Sta. 257+74** – Construct roadway impacting 1073' of an U.T. Drake Creek at approximate latitude 37.046687, longitude -88.464640. This portion of the stream will be filled with excavated material, and the drainage conveyed through 615' of culvert and constructed channel. Field investigations indicate this stream is **ephemeral** in nature with a watershed of 20.4 acres. The impact to the water is **0.098 acre**. (Nationwide 14) (FILE NO 200901523)
16. **Sta. 275+59** – Construct roadway impacting 88' of an U.T. Hodges Creek at approximate latitude 37.049310, longitude -88.459427. This portion of the stream will be filled with excavated material and the drainage conveyed through 171' of culvert outlet channel. Field investigations indicate this stream is **intermittent** in nature with a watershed of 76.8 acres. The impact to the water is **0.013 acre**. (Nationwide 14) (FILE NO 200901524)



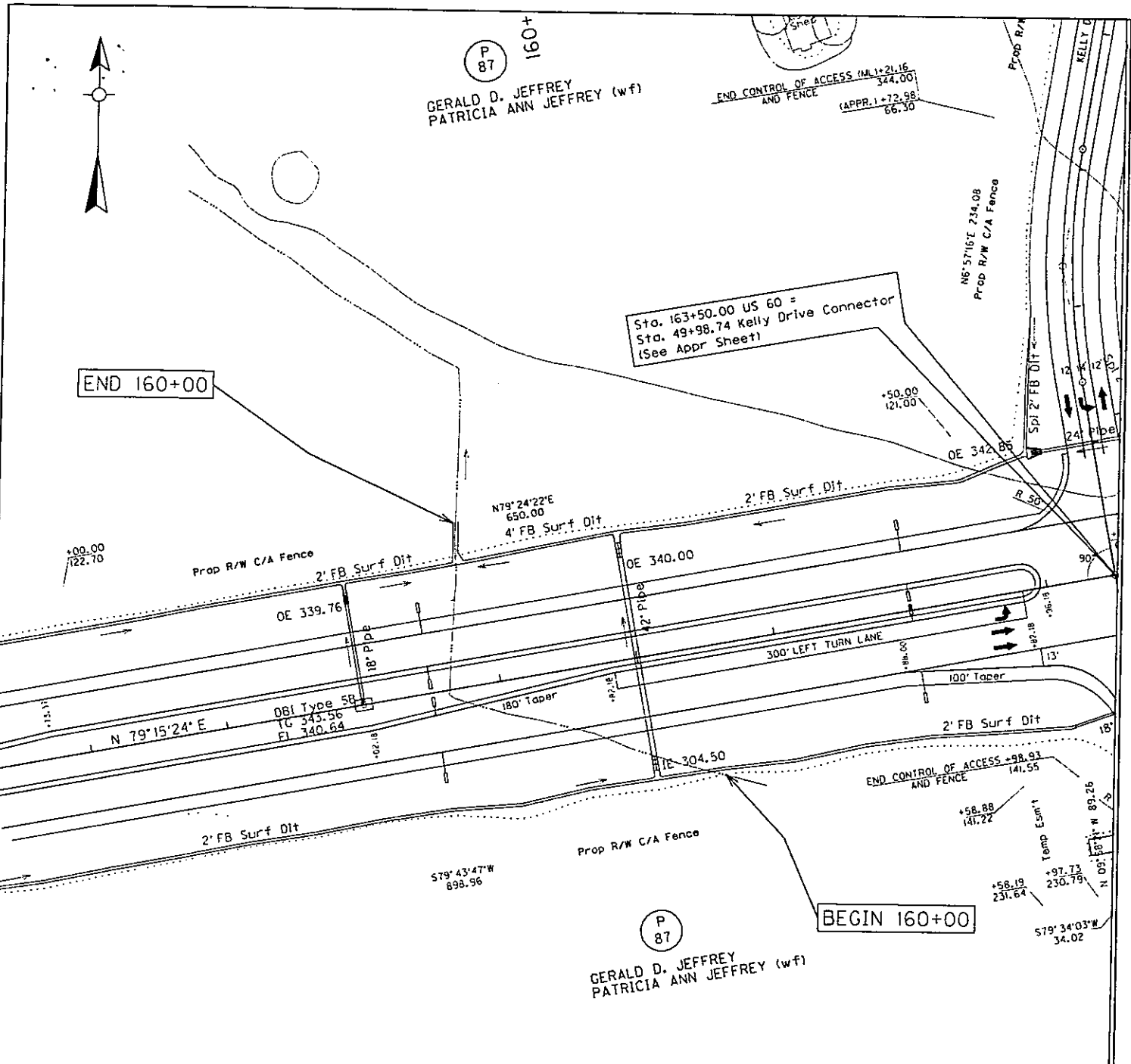
FILE NO. 200901510

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
129+00	WETLAND	0.42 ac

~NOTES~
 Wetland Impact 129+00
 SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 126+24 TO 134+32 IMPACT PLAN
 PROPOSED ACTIVITIES:
 U.T. Beaverdam Slough LEDBETTER
 STREAM NAME: AT OR NEAR:
 LIVINGSTON KENTUCKY
 COUNTY OF: STATE OF:
 MILE POINT: 1-330.00 ITEM NO.: 2 SHEET NO.:



FILE NO. 200901514

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
160+00	EPHEMERAL	378

~NOTES~
 Stream Impact 160+00
 SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 156 TO 163 IMPACT PLAN

PROPOSED ACTIVITIES:
 U.T. OHIO RIVER LEDBETTER

STREAM NAME: AT OR NEAR:

LIVINGSTON KENTUCKY

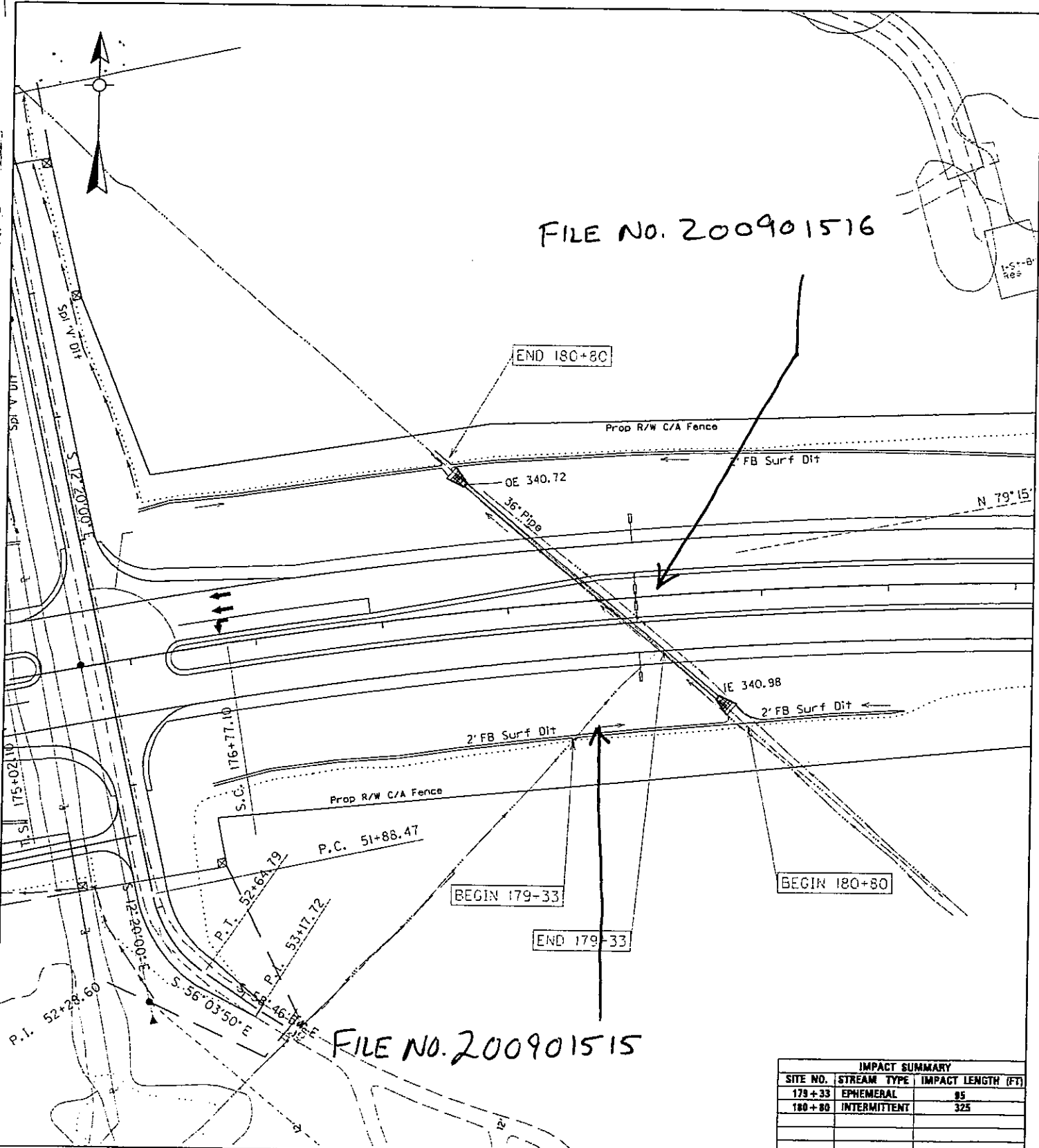
COUNTY OF: STATE OF:

MILE POINT: 1-330.00 6

ITEM NO.: SHEET NO.:

FILE NO. 200901516

FILE NO. 200901515



IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
179+33	EPHEMERAL	95
180+80	INTERMITTENT	325

~NOTES~

Stream Impact 179+33
Stream Impact 180+80

SCALE 1" = 100'

APPLICATION BY
KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

STA 175+00 TO 183+15 IMPACT PLAN

PROPOSED ACTIVITIES:

U.T. OHIO RIVER LEDBETTER

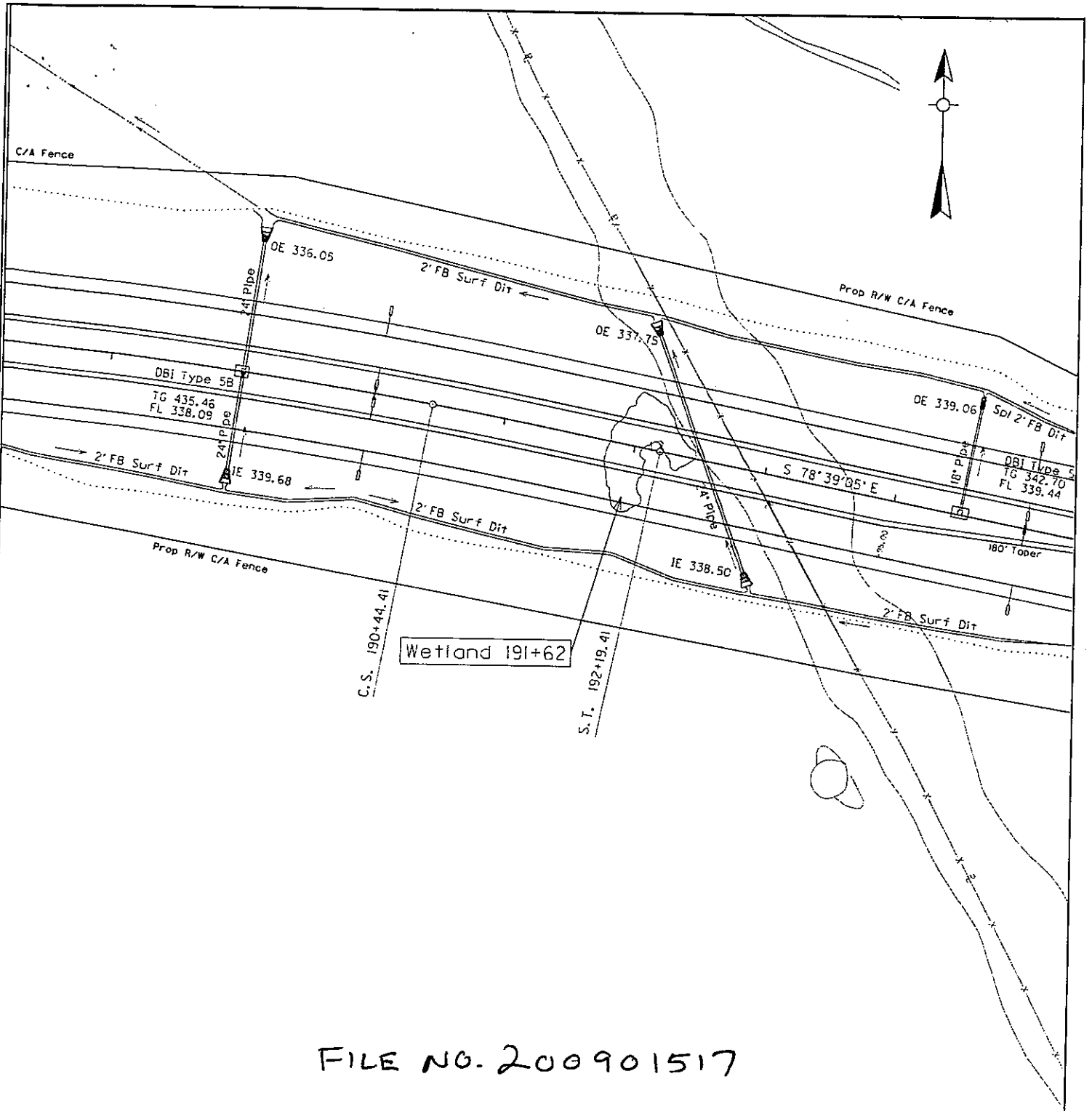
STREAM NAME: AT OR NEAR:

LIVINGSTON KENTUCKY

COUNTY OF: STATE OF:

MILE POINT: 1-330.00 8

ITEM NO.: SHEET NO.:



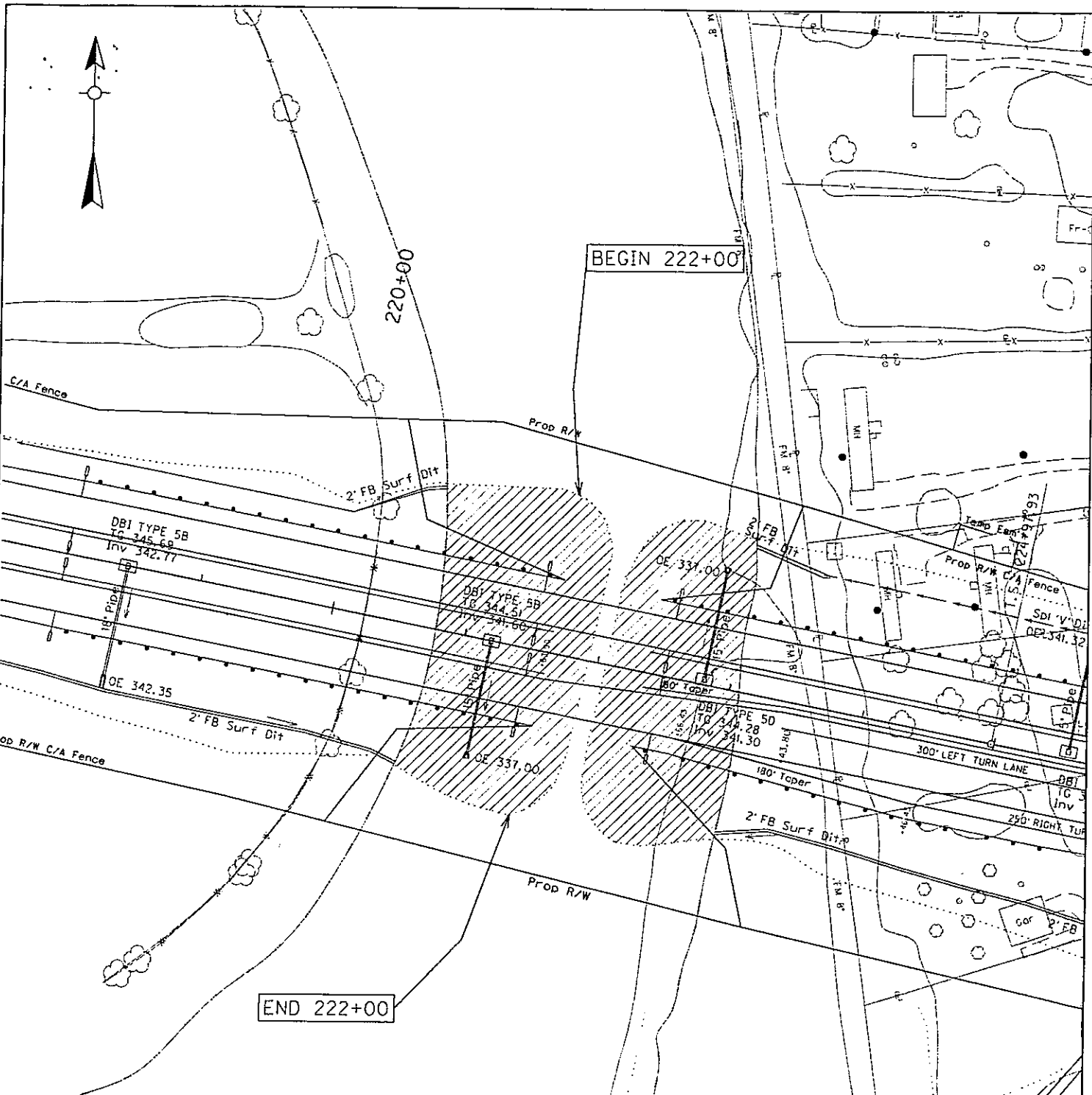
FILE NO. 200901517

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
191+62	WETLAND	0.07 AC

~NOTES~
 Wetland Impact 191+62
 SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 187+19 TO 195+40 IMPACT PLAN
 PROPOSED ACTIVITIES:
 U.T. OHIO RIVER LEDBETTER
 STREAM NAME: AT OR NEAR:
 LIVINGSTON KENTUCKY
 COUNTY OF: STATE OF:
 MILE POINT: 1-330.00 10
 ITEM NO.: SHEET NO.:



FILE NO. 200901518

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
222+00	PERENNIAL	248

~NOTES~
 Stream Impact 222+00
 SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 217+48 TO 225+72 IMPACT PLAN
 PROPOSED ACTIVITIES:
 BEAVERDAM SLOUGH LEDBETTER
 STREAM NAME: AT OR NEAR:
 LIVINGSTON KENTUCKY
 COUNTY OF: STATE OF:
 MILE POINT: 1-330.00 11
 ITEM NO.: SHEET NO.:

FILE NO. 200901520

FILE NO. 200901519

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
231+00	WETLAND	0.34AC
233+00	WETLAND	0.11AC

~NOTES~

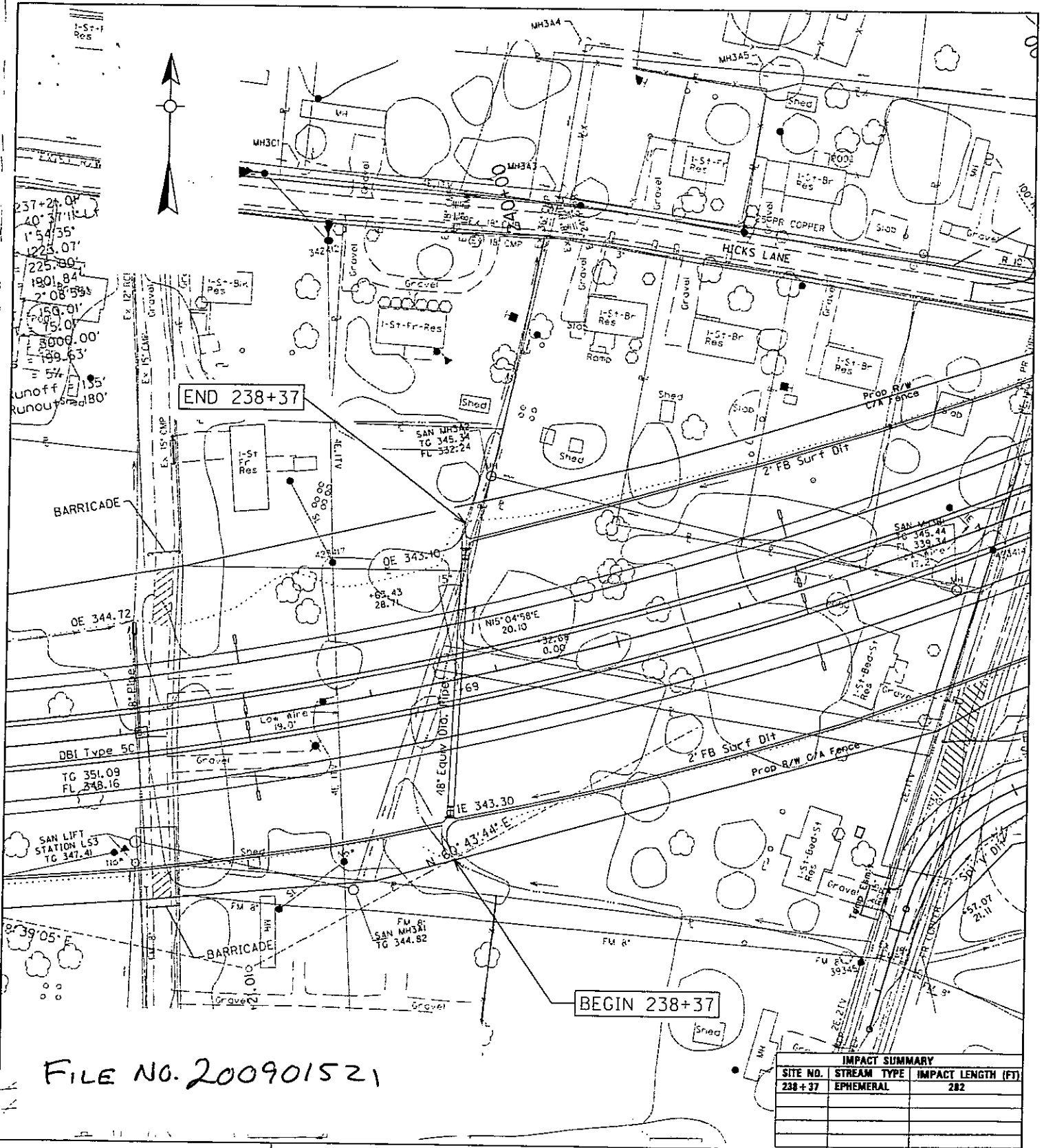
Wetland Impact 231+00
Wetland Impact 233+00

SCALE 1" = 100'

APPLICATION BY
KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

STA 227+9 TO 235+18 IMPACT PLAN
PROPOSED ACTIVITIES:

LEDBETTER
STREAM NAME: _____ AT OR NEAR:
LIVINGSTON KENTUCKY
COUNTY OF: _____ STATE OF:
1-330.00 12
MILE POINT: _____ ITEM NO.: _____ SHEET NO.:



FILE NO. 200901521

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
238+37	EPHEMERAL	282

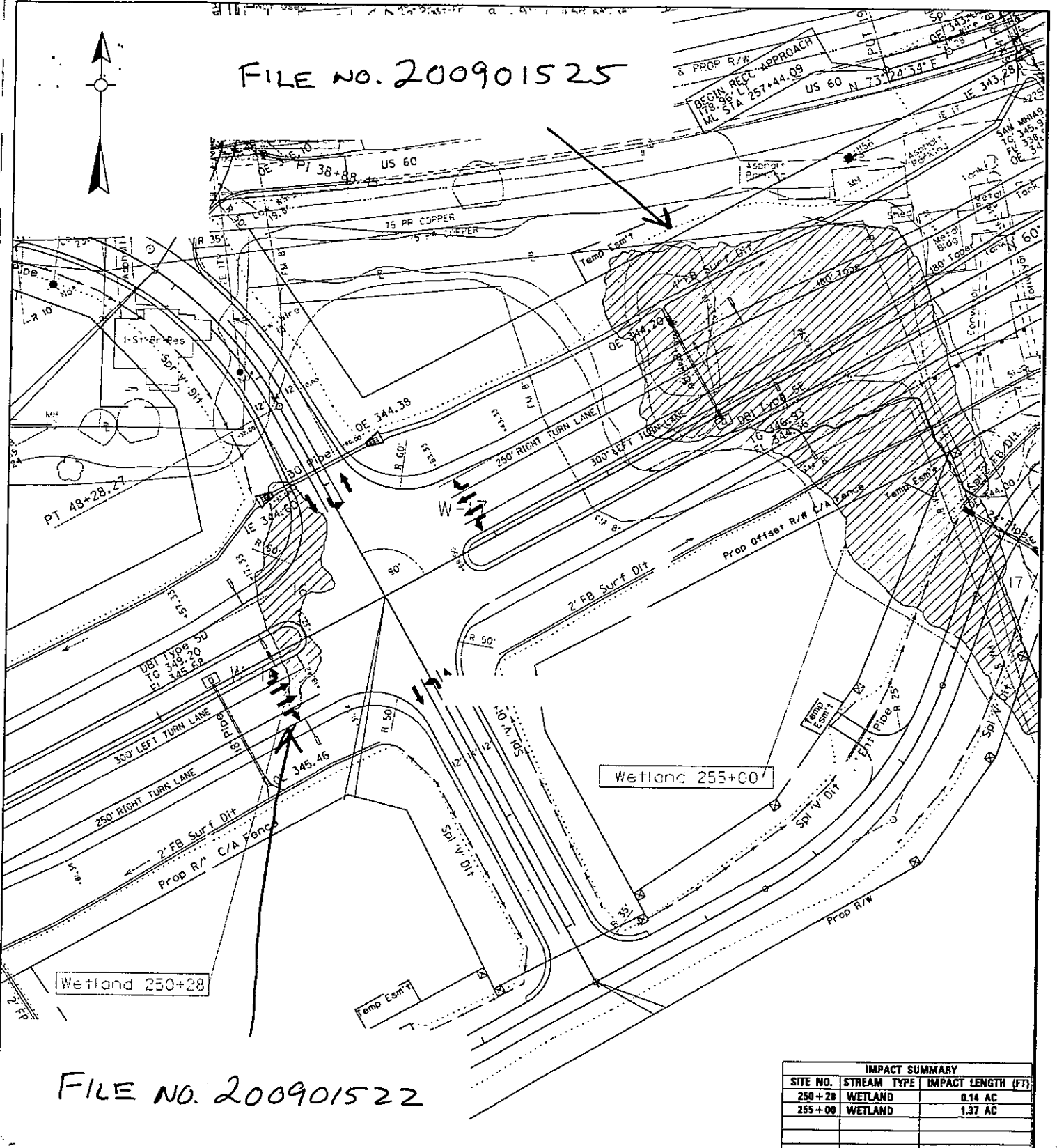
~NOTES~
Stream Impact 238+37

SCALE 1" = 100'

APPLICATION BY
KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

STA 235 TO 243 IMPACT PLAN	
PROPOSED ACTIVITIES:	
DRAKE CREEK	LEDBETTER
STREAM NAME:	AT OR NEAR:
LIVINGSTON	KENTUCKY
COUNTY OF:	STATE OF:
MILE POINT:	1-330.00 13
ITEM NO.:	SHEET NO.:

FILE NO. 200901525



FILE NO. 200901522

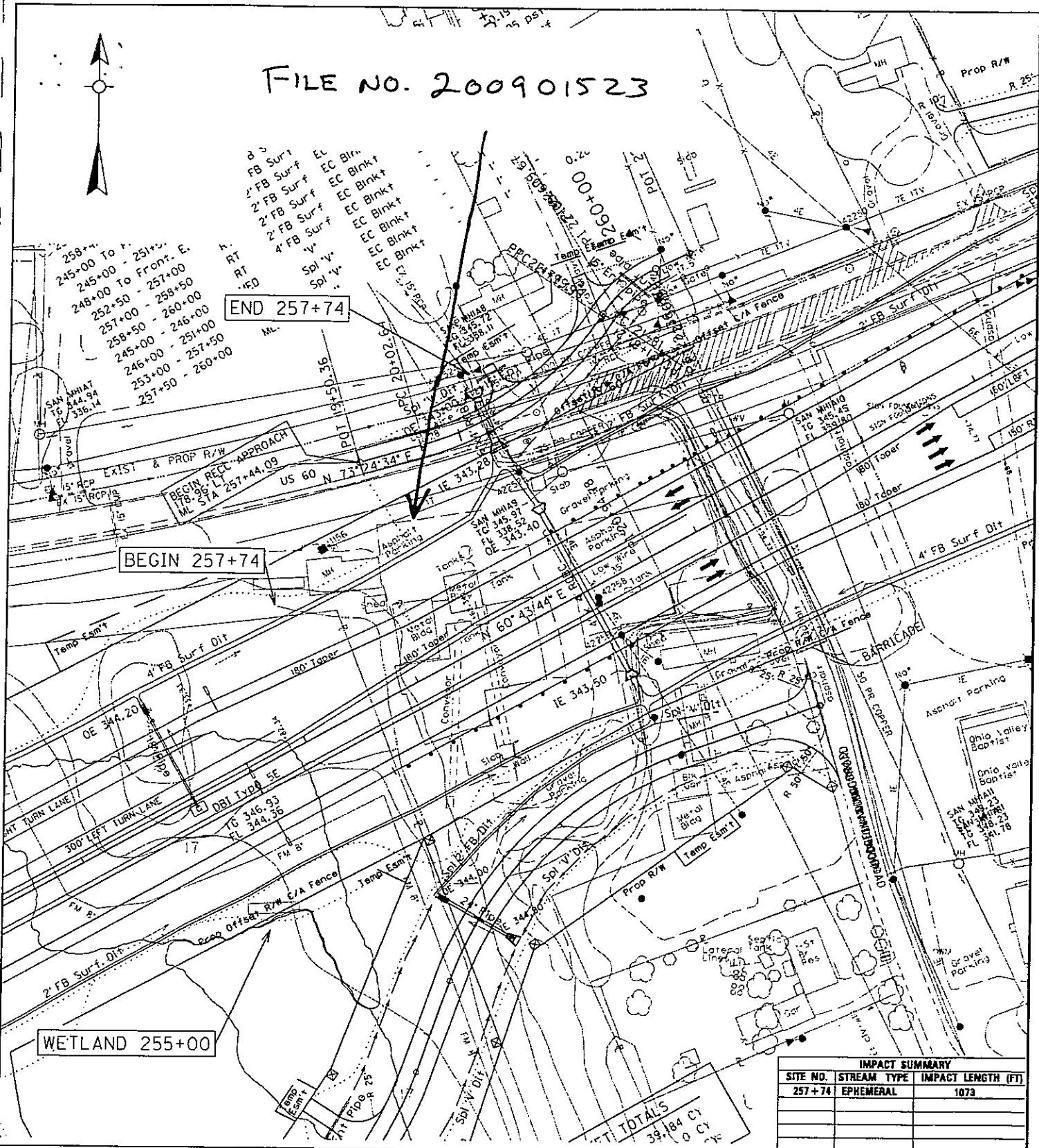
IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
250+28	WETLAND	0.14 AC
255+00	WETLAND	1.37 AC

~NOTES~
 Wetland Impact 250+28
 Wetland Impact 255+00
 SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 248+63 TO 257+89 IMPACT PLAN
 PROPOSED ACTIVITIES:
 LEDBETTER
 STREAM NAME: _____ AT OR NEAR:
 LIVINGSTON _____ KENTUCKY
 COUNTY OF: _____ STATE OF:
 1-330.00 15
 MILE POINT: _____ ITEM NO.: _____ SHEET NO.:

FILE NO. 200901523



END 257+74

BEGIN 257+74

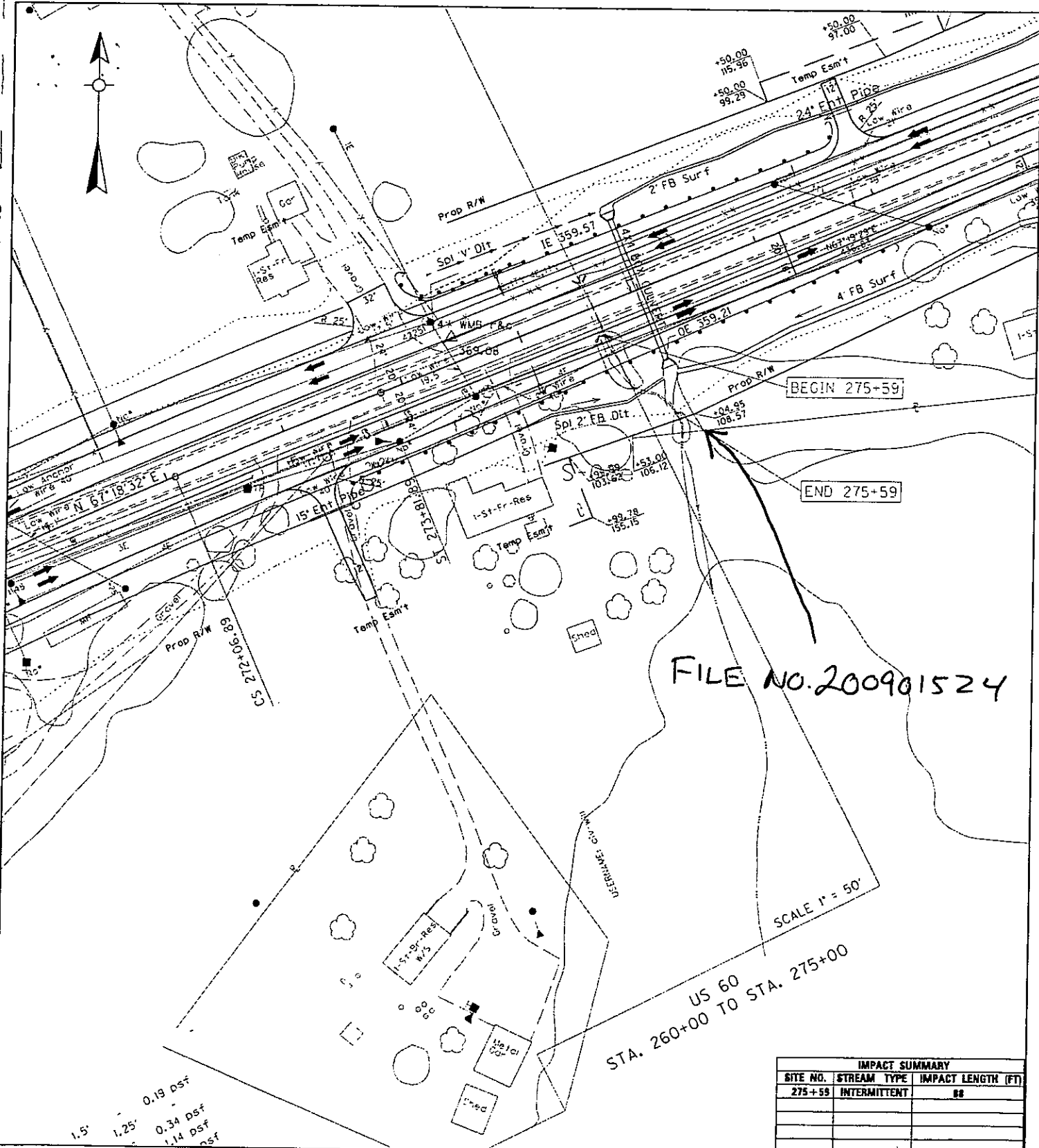
WETLAND 255+00

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
257+74	EPHEMERAL	1073
TOTALS		
39,184 CY		

~NOTES~
Stream Impact 257+74
SCALE 1" = 100'

APPLICATION BY
KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

STA 254 TO 262 IMPACT PLAN
PROPOSED ACTIVITIES:
U.T. DRAKE CREEK LEDBETTER
STREAM NAME: AT OR NEAR:
LIVINGSTON KENTUCKY
COUNTY OF: STATE OF:
1-330.00 16
MILE POINT: ITEM NO.: SHEET NO.:



1.5' 0.19 dsf
 1.25' 0.34 dsf
 1.14 dsf

IMPACT SUMMARY		
SITE NO.	STREAM TYPE	IMPACT LENGTH (FT)
275+59	INTERMITTENT	88

~NOTES~

Stream Impact 275+59

SCALE 1" = 100'

APPLICATION BY
KENTUCKY
 TRANSPORTATION CABINET
 DEPARTMENT OF HIGHWAYS

STA 270 TO 279 IMPACT PLAN

PROPOSED ACTIVITIES:
 U. T. HODGES CREEK LEDBETTER
 STREAM NAME: AT OR NEAR:
 LIVINGSTON KENTUCKY
 COUNTY OF: STATE OF:
 1-330.00 18
 MILE POINT: ITEM NO.: SHEET NO.:

Mitigation

Streams

Tables 1 and 2 list all stream impacts, and whether mitigation is required. \$39,000.00 in-lieu fee is proposed for mitigation for Sta. 180+80.

Wetlands

Six wetlands will be impacted by the project. Table 3 lists those impacts. \$71,400.00 in-lieu fee is proposed for mitigation for wetlands.

Total In-Lieu Fee

\$110,400.00

TABLE 1: US 60 - Livingston County - 1-330.00 - Impact Summary

Site	HUC #	Name	Lat-Long	Sheet No.	Impact Category	Flow Regime	Permit Type	Watershed (acres)	Stream Impact (ft)	Impact (acres)	RBP Score	Quality	Rifle Pool Complex	Mitigation Required
Sta. 129+00 (wetland; see Table 3)	6040066010090	U.T. Beverdam Slough	37.043695 -88.507808	2	Fill			38.0		0.420				Yes
Sta. 134+08	6040066010090	U.T. Beverdam Slough	37.043444 -88.505597	3,4	Culvert & Inlet/Outlet Channel	Eph	NW 14	12.6	300	0.023	NA	NA	No	No
Sta. 135+50	6040066010090	U.T. Beverdam Slough	37.043601 -88.505592	3,5	Culvert & Inlet/Outlet Channel	Eph	NW 14	5.3	91	0.003	NA	NA	No	No
Sta. 135+69	6040066010090	U.T. Beverdam Slough	37.043386 -88.505505	3	Culvert & Inlet/Outlet Channel	Eph	NW 14	8.8	245	0.016	NA	NA	No	No
Sta. 160+00	5140206020010	U.T. Ohio River	37.044897 -88.497911	6,7	Culvert & Inlet/Outlet Channel	Eph	NW 14	18.9	378	0.034	NA	NA	No	No
Sta. 179+33	5140206020010	U.T. Ohio River	37.045815 -88.490752	8	Inlet Channel	Eph	NW 14	4.1	93	0.005	NA	NA	No	No
Sta. 180+80	5140206020010	U.T. Ohio River	37.046100 -88.490781	8,9	Culvert & Inlet/Outlet Channel	Int	NW 14	64.0	225	0.046	46	Poor	No	Yes
Sta. 191+62 (wetland; see Table 3)	5140206020010	U.T. Ohio River	37.043848 -88.486547	9,10	Fill			5.6		0.070				No
Sta. 222+00	6040066010090	Beverdam Slough	37.044776 -88.476410	11	Bridge	Per	NW 14	275.0	248	0.061	NA	NA	No	No
Sta. 231+00 (wetland; see Table 3)	5140206020010	U.T. Drake Creek	37.043988 -88.473389	12	Fill			13.0		0.340				Yes
Sta. 233+00 (wetland; see Table 3)	5140206020010	U.T. Drake Creek	37.044149 -88.472829	12	Fill			13.0		0.110				Yes
Sta. 238+37	5140206020010	Drake Creek	37.044202 -88.470888	13,14	Culvert & Inlet/Outlet Channel	Eph	NW 14	9.5	282	0.019	NA	NA	No	No
Sta. 250+28 (wetland; see Table 3)	5140206020010	U.T. Drake Creek	37.046216 -88.467022	13	Fill			7.0		0.140				Yes
Sta. 255+00 (wetland; see Table 3)	5140206020010	U.T. Drake Creek	37.046510 -88.465783	15	Fill			27.0		1.370				Yes
Sta. 257+74	5140206020010	U.T. Drake Creek	37.046587 -88.464640	16,17	Channel Change & Culvert	Eph	NW 14	20.4	1073	0.098	NA	NA	No	No
Sta. 275+59	6040066010090	U.T. Hodges Creek	37.049310 -88.459427	18,19	Culvert Outlet Channel	Int	NW 14	76.8	83	0.013	NA	NA	No	No

TABLE 2: US 60 - Livingston County - 1-330.00 - Stream Mitigation and Impact Summary

1	2	3	Before Impact			6	7	8	9	10	11	12	13	After Impact			18
			4	5	Initial RBP Score									14	15	16	
Site #	Stream Type	Type of Impact	Acreage of Impact	Watershed size in acres	Initial RBP Score	Initial Quality	Impact Length	Ratio	Debit	Mitigation Required?	Predicted RBP score	Predicted Quality	Final Length	Final Ratio	Credits	Balance	In-Lieu Fee
Sta. 134+08	Eph	Culvert	0.000	12.6	NA	NA	300	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 135+50	Eph	Culvert	0.000	5.3	NA	NA	98	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 135+69	Eph	Culvert	0.000	8.8	NA	NA	245	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 160+00	Eph	Culvert	0.000	18.9	NA	NA	378	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 179+33	Eph	Culvert	0.000	4.1	NA	NA	95	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 180+80	Int	Culvert	0.000	64.0	46	Poor	325	1.00	325	Yes	0	NA	0	0.00	0	-325	\$39,000.00
Sta. 222+00	Per	Bridge	0.000	275.0	NA	NA	248	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 238+37	Eph	Culvert	0.000	9.5	NA	NA	282	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 257+74	Eph	Culvert	0.000	20.4	NA	NA	1073	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Sta. 275+59	Int	Culvert	0.000	76.8	NA	NA	88	NA	NA	No	0	NA	0	0.00	0	0	\$0.00
Total:																\$39,000.00	

Table 3: Livingston County: US 60: Item No. 1-330.0 - Wetland Impact Summary

2	129+00	PFO, PEM	Nationwide 14	0.42	\$30,240.00
10	191+62	PEM	Nationwide 14	0.07	\$0.00
12	231+00	PFO	Nationwide 14	0.34	\$24,480.00
12	233+00	PEM	Nationwide 14	0.11	\$7,920.00
15	250+28	PEM	Nationwide 14	0.14	\$10,080.00
15	255+00	PFO, PEM	Individual/LOP	1.37	\$98,640.00
				Total	\$171,360.00
* In-lieu fee calculated based upon impacted area, 2:1 ratio, 0.2 for temporary loss, \$30,000 per acre					