



**DEPARTMENT OF THE ARMY**  
NASHVILLE DISTRICT, CORPS OF ENGINEERS  
3701 BELL ROAD  
NASHVILLE, TENNESSEE 37214

IN REPLY REFER TO

March 16, 2016

Regulatory Branch

SUBJECT: File No. LRN-2006-02390; Proposed Municipal Raw (Potable) Water Intake, Transmission Lines and Backwash Discharge (outfall) Involving Excavation and Fill at Cumberland River Mile 393.8R, Tompkinsville, Monroe County, Kentucky

Monroe County Water District  
Attn: Mr. Richard Ross  
205 Capp Harlan Road  
Tompkinsville, Kentucky 42167

Dear Mr. Ross:

This refers to your application for a Department of the Army (DA) permit for the subject work located along Cloyd Williams Road, Tompkinsville, Kentucky (Coordinates: 36.6908.-85.56833). Please refer to file number LRN-2006-02390 in future reference to this letter.

The project involves (1) discharge fill material into 0.02 acre of streams to facilitate 14 water pipeline stream crossings, (2) excavation and discharge of fill material into 0.09 acre of the Cumberland River to construct an intake and outfall structure, and (3) discharge fill material into 0.0002 acre of Sulphur Creek (Mile 1.2L) to construct an outfall structure. The proposed jurisdictional activities would facilitate the construction of the upland Monroe County Regional Water Treatment Plant (WTP), which would allow Monroe County Water District (MCWD) to meet the growing demand within the county and surrounding vicinity. The project would extend ~12 miles and provide new and improved water service to many entities, serving the MCWD, the City of Tompkinsville and the City of Fountain Run (Fountain Run Water District No.1) in Monroe County.

The WTP would be constructed to operate at 2 million gallons per day (MGD), with an initial average daily withdrawal of 0.9 MGD, and a maximum daily withdrawal estimated to be 1.3 MGD. The plant would be designed for a maximum build-out capacity of 2.8 MGD. Raw water would be withdrawn from the Cumberland River Basin located in the jurisdictional boundaries of the U.S. Army Corps of Engineers, Nashville District. The backwash discharge (outfall) would transport 100,000 gallons per day (GPD) of treated water to Sulphur Creek also located within the Cumberland River Basin.

The transmission lines would impact fourteen (14) streams with entrenched crossings and two (2) by directional drill. Little Sulphur Creek and Sulphur Creek lie within Nashville District; and Mill Creek, Town Creek, and Curtis Branch lie within the Barren River Basin (U.S. Army Corps of Engineers, Louisville District). The Louisville District was consulted on this project and they deferred Regulatory jurisdiction to Nashville District, with no objections.

The work would also include construction of a 600,000 gallon elevated water storage tank (Cloyd Williams Tank), and rehabilitation of the existing County House Pump Station. These activities would not require a DA permit.

Based upon the information submitted to this office, to the extent the U.S. Army Corps of Engineers has jurisdiction over the proposed activity, we have determined your proposed work (intake lines, excavation and riprap, transmission lines crossing streams, and outfall culvert and riprap) meets the criteria of DA Nationwide Permit (NWP) # 12 Utility Line Activities, which became effective March 19, 2012 [77 FR 10184]. This verification is valid until March 18, 2017, unless the NWP authorization is modified, suspended, or revoked. The proposed work must be constructed in accordance with the enclosed plans, NWP General Conditions and NWP Special Conditions. If the work has not been completed by that time, you should contact this office to obtain another permit determination in accordance with the rules and regulations in effect at that time.

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

On 5 June 2015, the Kentucky Division of Water (KDOW) issued 401 Water Quality Certification (WQC #2015-039-1; AI No. 34034) to MCWD for the intake structure and entrenched stream crossings. The permittee must comply with all conditions of the state certification in order for the DA permit to be valid. On 4 Aug 2010, KDOW issued a Water Withdrawal Permit (WWP) #1652 for 2.8 MGD maximum withdrawal limits, requiring daily monitoring and monthly reporting. The Inter-Basin Transfer was issued as a component of the WWP. KDOW confirmed the WWP remains valid.

In addition, compliance with special conditions is required to further minimize potential adverse impacts to the aquatic environment. Conservation measures are also required to further minimize potential adverse impacts to the federally listed bat species and historic properties. These special conditions are outlined below.

**NWP Special Conditions:**

1. The Permittee shall conduct the work in accordance with the plans and information submitted in support of the proposed work. The Permittee shall have a copy of this permit available on the site and ensure that all contractors are aware of its conditions and abide by them.
2. The Permittee shall utilize a temporary cofferdam (e.g. hard armor sheet piles, or similar) during construction of the intake structure and withdrawal pipelines to keep the work within the waterways "in the dry". All temporary structures associated with the construction of these facilities shall be removed from the waterways; and the riverbank and channel elevations shall be restored to preconstruction contours.

3. The Permittee shall remove all excavated material upland, properly contain and stabilize the material, to prevent reentry into the waterway.

4. The Permittee shall abide by the currently approved water withdrawal limits as stated in the Kentucky Division of Water, Water Withdrawal Permit #1652 issued August 4, 2010. Maximum permitted withdrawals occur in August and September at 2.8 MGD.

5. The Permittee shall construct the intake at a pool depth sufficient to prevent drawing in air. The maximum (instantaneous) pumping rate shall not exceed 8 cubic feet per second (cfs), while also not exceeding the daily rate of 2.8 MGD (4 cfs).

6. The Permittee is notified of the following special condition concerning water availability: The Corps has no formal obligation to release water from the Wolf Creek Project (Lake Cumberland) for this water withdrawal. It is further understood and agreed that this Permit does not convey any right to water or water storage in Lake Cumberland or any other Department of the Army project, nor does it make any representation regarding the availability of water from the Wolf Creek Project. While the Corps has determined that a water storage agreement is not required at this time for the water intake, it is understood and agreed that the Department of the Army preserves the option of charging for water withdrawal if it is later determined that such charges are appropriate.

7. The Permittee shall construct the intake structure and lines according to plan, so as not to extend beyond 1/3 width of the Cumberland River.

8. The Permittee shall install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on any facilities or work platforms utilized during construction on the Cumberland River. The USCG may be reached at the following address and telephone number: Commander, Eighth Coast Guard District (dwb), 1222 Spruce Street, Suite 2.102D, St. Louis, MO 63103-2832.

9. Conservation measures for the Indiana bat: The U.S. Army Corps of Engineers, Nashville District, in coordination with the U.S. Fish and Wildlife Service (USFWS), has determined the project undertaking "may affect, likely adversely affect" the federally listed endangered Indiana bat (*Myotis sodalis*) and the federally listed threatened Northern Long-eared bat (*Myotis septentrionalis*). Therefore, the attached Indiana Bat Conservation Memorandum of Agreement (IBCMOA) has been executed pursuant to Section 7 of the Endangered Species Act to mitigate adverse effects to the bat species and their habitat resulting from the proposed removal of 3.57 acres of forested summer habitat. The IBCMOA, serves as the final document accounting for incidental take, and receipt of contribution into the Indiana Bat Conservation Fund. The Permittee shall comply with the IBCMOA executed with USFWS on June 28, 2011, as stipulated.

10. Conservation measures for Eligible Historic Properties: The U.S. Army Corps of Engineers, Nashville District (USACE), in consultation with the Kentucky Division of Water (KDOW), Kentucky State Historic Preservation Officer (KY-SHPO), and the Advisory Council

of Historic Preservation, has determined the project undertaking would adversely affect a historic property eligible for listing in the National Register of Historic Places. Therefore, the attached Memorandum of Agreement (MOA) has been executed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, to take into account the effect of the project undertaking on historic properties. The Permittee shall comply with the MOA executed on February 9, 2016, between KDOW, KY-SHPO, and the USACE, as stipulated.

If changes in the location or approved plans are necessary, revised plans shall be submitted promptly to this office for review and approval. NWP General Condition #30 requires that you submit a signed certification. **Please sign and return the enclosed "Compliance Certification" form upon completion of the proposed activity and any required mitigation (if applicable).**

We appreciate your awareness of our regulatory program. If you have any questions, please contact me at the above address, telephone (615) 369-7519, or contact Ms. Deborah Tuck at the above address, telephone (615) 369-7518 or email [deborah.t.tuck@usace.army.mil](mailto:deborah.t.tuck@usace.army.mil).

Sincerely,



Eric G. Reusch  
Chief, East Section  
Regulatory Branch  
Operations Division

Enclosures  
Copy Furnished: (via email)

Robert D. Stigall, P.E.  
Stigall Engineering Associates, Inc.  
4117 Hillsboro Pike, Suite 206  
Nashville, Tennessee 37215

Roger Recktenwald  
Director of Research and Planning  
Kentucky Association of Counties  
400 Englewood Drive  
Frankfort, KY 40601

Sarah Atherton, Project Manager  
Kentucky Division of Water  
Water Quality Certification Section  
200 Fair Oaks Lane, 4th Floor  
Frankfort, KY 40601

Sheryl Parsons  
Water Protection Division  
US EPA Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303

Phil DeGarmo and  
Jessica Miller  
U.S. Fish & Wildlife Service  
Frankfort Field Office  
330 W. Broadway, Suite 265  
Frankfort, Kentucky 40601

Daniel Stoelb  
Kentucky Department of Fish and Wildlife Resources  
#1 Sportsman's Lane  
Frankfort, KY 40601

Craig A. Potts, State Historic Preservation Officer  
Kentucky Heritage Council and  
300 Washington Street  
Frankfort, Kentucky 40601

CELRLN: Higgs, McCormack (PM-P)  
Rohrbach, Gaddipati (EC-H)  
Roth, Firsching (OC)

CELRL: David Baldrige, Chief, Regulatory South Section

## 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. LRN-2006-02390** 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:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Army Corps of Engineers<br>Regulatory Branch<br>3701 Bell Road<br>Nashville, TN 37214         | <input type="checkbox"/> Laurel River Lake Resource Mgr. Ofc<br>1433 Laurel Lake Road<br>London, KY 40744-9739 |
| <input type="checkbox"/> Eastern Regulatory Field Ofc. (ERFO)<br>501 Adesa Blvd, Suite B 250<br>Lenoir City, TN 37771                  | <input type="checkbox"/> Cordell Hull Lake<br>71 Corps Lane<br>Carthage, TN 37030                              |
| <input type="checkbox"/> Martins Fork Lake Resource Mgr. Ofc<br>5965 Hwy 987<br>Smith, KY 40867  | <input type="checkbox"/> Dale Hollow Lake Resource Mgr. Ofc.<br>5050 Dale Hollow Dam Rd.<br>Celina, TN 38551   |
| <input type="checkbox"/> Center Hill Lake Resource Mgr. Ofc<br>158 Resource Lane<br>Lancaster, TN 38569-6298                           | <input type="checkbox"/> Lake Cumberland Resource Mgr. Ofc.<br>855 Boat Dock Road<br>Somerset, KY 42501-0450   |
| <input type="checkbox"/> Western Regulatory Field Ofc. (WRFO)<br>2042 Beltline Road, Southwest<br>Bldg. C, Ste. 415, Decatur, AL 35601 |  |

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