

FLOODPLAIN DEVELOPMENT PERMIT

Permit No: 119-2022
Permit Expiration No: 11-17-23
Permit # 32457

TYPE OF DEVELOPMENT:

<input checked="" type="checkbox"/> NEW CONSTRUCTION / <i>clear R.O.W & install transmission line structure</i>	<input type="checkbox"/> ALTERATION OR REPAIR TO AN EXISTING STRUCTURE
<input type="checkbox"/> FILLING	<input type="checkbox"/> GRADING
<input type="checkbox"/> DREDGING	<input type="checkbox"/> MANUFACTURED HOME / RV
<input type="checkbox"/> HISTORIC STRUCTURE	<input type="checkbox"/> OTHER

BASE FLOOD ELEVATION: N/A (FEET)
(Should be obtained from state permit)

REQUIRED LOWEST FLOOR ELEVATION: N/A (FEET)
(Review ordinance for any additional elevation requirements)

FLOOD VENTS REQUIRED: Y (N) NUMBER OF REQUIRED VENTS N/A
(Minimum of two openings, must be automatic, bottom of openings no higher than one foot above grade, must have one square inch of opening space for every square foot of enclosed space)

PERMIT CONDITIONS

- 1) *All debris & excess material shall be removed for disposal*
- 2)
- 3)

ISSUED TO: Big Rivers Electric Corp.

ADDRESS: 201 3rd St. Henderson, KY 42419

PROJECT ADDRESS: 37.7741 ; -87.511
(if different from permittee's address)

ISSUED BY: *[Signature]* DATE: 12/20/22
FLOODPLAIN ADMINISTRATOR

THIS PERMIT MUST BE POSTED ON THE PREMISES OF THE PROJECT LOCATION IN A CONSPICUOUS AREA SO AS TO BE SEEN FROM THE STREET ON WHICH THE CONSTRUCTION TAKES PLACE.

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

STREAM CONSTRUCTION PERMIT

For Construction In Or Along A Stream

Issued to: **Big Rivers Electric Corporation**
Address: **201 3rd St**
Henderson, KY 42419

Permit effective date: **November 17, 2022**
Permit expires on: **November 17, 2023**

Permit No.: **32457**

Agency Interest: **175181**
Activity ID: **APE20220002**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated **October 12, 2022** for **clear right of way and install transmission line structures in the floodplain of Elam Ditch, with coordinates 37.7741, -87.511, in Henderson County.**

There shall be no deviation from the plans and specifications submitted and hereby approved unless the proposed change shall first have been submitted to and approved in writing by the Cabinet. This approval is subject to the attached limitations. **Please read these limitations carefully!** If you are unable to adhere to these limitations for any reason, please contact this office prior to construction.

This permit is valid from the standpoint of stream obstruction only. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. Specifically if the project involves work in a stream, such as bank stabilization, dredging, relocation, or in designated wetlands, a 401 Water Quality Certification from the Division of Water will be required.

This permit is nontransferable and all construction must be completed by the expiration date noted above. Year by year extensions may be requested subject to the requirements of 401KAR 4:060 Section 3 (5) (a) and (b). A request for extension, including the Agency Interest and permit numbers listed above and statement that the scope of the project has not changed can be emailed to DOWFloodplain@ky.gov.

Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions regarding this permit, please call Mr. Ross Bishop at [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "David Ray Coe".

David Ray Coe, P.E., Supervisor
Floodplain Management Section
Water Resources Branch
Division of Water

c: Madisonville Regional Office
Brian Bishop – Henderson County Floodplain Coordinator
Paul Stovall, PE
Nathan Berry, Point of Contact
File



FINAL CONSTRUCTION REPORT

NAME: Big Rivers Electric Corporation

PERMIT NO: 32457

AI NO: 175181 Activity ID: APE20220002

Has all work on this project been completed according to the plans and specifications on file with the Division of Water?

Yes: _____

No: _____ **If no, explain. You may include attachments if necessary.**

eMail Instructions

- Copy and paste the Final construction Report text above and your responses into a blank eMail or
- Enter your name, permit number, AI #, activity # and your project completion date/explanation if not complete into a blank eMail.
- Email to DOWFloodplain@ky.gov with subject line of "FCR"

Mailing Instructions

- Fold the top edge of this page to the top edge of this box.
- Fold the bottom edge of the page up to meet the top fold and tape shut.
- Fill out return address portion
- Affix a stamp and mail.

Place
Stamp
Here

**Floodplain Management Section
Division of Water
300 Sower Boulevard
Frankfort, KY 40601**

Stream Construction Permit

Big Rivers Electric Transmission Lines - Henderson Co

Facility Requirements

Permit Number: 32457

Activity ID No.:APE20220002

Page 1 of 2

STRC0000000001 (AI: 175181 - electric transmission lines) for clear right of way and install transmission line structures in the floodplain of Elam Ditch and other minor tributaries, with general coordinates 37.7741, -87.511, in Henderson County:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Big Rivers Electric Corporation must submit final construction report within 90 days after completion of construction. Big Rivers Electric Corporation must notify in writing that the project has been completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 6]

Narrative Requirements:

Condition No.	Condition
T-1	The issuance of this permit by the cabinet does not convey any property rights of any kind or any exclusive privilege. [KRS 151.250 & 401 KAR 4:060]
T-2	This permit is issued from the standpoint of stream obstruction only and does not constitute certification of any other aspect of the proposed construction. The applicant is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit has been issued under the provisions of KRS Chapter 151.250 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. [KRS 151.250]
T-3	A copy of this permit must be available at the construction site. [KRS 151.250]
T-4	Any work performed by or for Big Rivers Electric Corporation that does not fully conform to the submitted application or drawings and the limitations set forth in this permit, is subject to partial or total removal and enforcement actions pursuant to KRS 151.280 as directed by the Kentucky Department for Environmental Protection. [KRS 151.280]
T-5	Any design changes or amendments to the approved plans must be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250]
T-6	Since Henderson County participates in the National Flood Insurance Program, a local floodplain permit must be obtained prior to beginning of construction. Upon completion of construction Big Rivers Electric Corporation must contact the local permitting agency for final approval of the construction for compliance with the requirements of the local floodplain ordinance. [401 KAR 4:060 Section 9(c)]

Stream Construction Permit
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: 32457
Activity ID No.: APE20220002

STRC0000000001 (AI: 175181 - electric transmission lines) for clear right of way and install transmission line structures in the floodplain of Elam Ditch and other minor tributaries, with general coordinates 37.7741, -87.511, in Henderson County:

Narrative Requirements:

Condition No.	Condition
T-7	Erosion prevention measures, sediment control measures, and other site management practices shall be designed, installed, and maintained in an effective operating condition to prevent migration of sediment off site. [KRS 224.70-110]
T-8	To avoid secondary adverse impacts, all materials used shall be stable and inert, free from pollutants and floatable objects, and shall meet all appropriate engineering standards. (Inert here means materials that are not chemically reactive and that will not rot or decompose, such as soil, rock, broken concrete or similar materials.). [401 KAR 4:060 Section 7]
T-9	Stream bank restoration and stabilization shall be limited to that necessary to restore the stream bank as closely as possible to its original location and configuration, and shall be completed without compromising the conveyance capacity of the stream at any time. [401 KAR 4:060]
T-10	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-11	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-12	The entry of mobile equipment into the stream channel shall be limited as much as reasonably possible to minimize degradation of the waters of the Commonwealth. [401 KAR 4:060]
T-13	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]
T-14	The existing stream flow shall be maintained at all times during construction using standard flow diversion or pump around methods. Cofferdams or other structures placed in the stream shall be removed immediately if adverse flooding conditions result or if a flooding event is imminent. [401 KAR 4:060 Section 4]
T-15	Measures shall be taken to prevent possible spills of fuels and lubricants from entering the stream. [KRS 224.70-110]. [401 KAR 4:060 Section 6(2)(e)]
T-16	The permittee must obtain a Water Quality Certification or a determination that none is required through the Division of Water, Water Quality Section before beginning construction. Contact the Water Quality Certification Supervisor at 401WQC@ky.gov or (502) 564-3410. [KRS 224.16-050 & Clean Water Act Section 401]

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

January 19, 2023

ATTN: Nathan Berry
Big Rivers Corporation
P.O. Box 24
Henderson, KY 42419-002

Re: §401 Water Quality Certification
Big Rivers Electric Transmission Lines
AI No.: 175181; Activity ID: APE20220001
WQC No: 2023-001-7
USACE ID No.: LRL-2022-00868
Canoe Creek & Wilson Creek
Henderson County, Kentucky

Dear Mr. Nathan Berry:

Pursuant to Section 401 of the Clean Water Act (CWA) and 40 CFR 121.7(c), 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 a federal license or permit, and the attached conditions are met.

Other permits from the Division of Water may be required for this activity. Activities within a floodplain may require a Permit to Construct Across or Along a Stream; contact the Floodplain Management Section (502-564-3410). Projects that 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 require a Kentucky Pollution Discharge Elimination System (KPDES) Stormwater Permit; contact the Surface Water Permits Branch (502-564-3410 or SWPBSupport@ky.gov). A Groundwater Protection Plan is required if activities listed in Section 2(2) of 401 KAR 5:037 are conducted. A Water Withdrawal Application is required for activities proposing raw water withdrawals of 10,000 gallons per day or more; contact the Watershed Management Branch (502-564-3410).

All future correspondence on this project must reference AI No. **175181**. **The attached document is your official Water Quality Certification; please read it carefully.** Please contact Michael Heyn by phone at [REDACTED] or email at [REDACTED] if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Hokanson".

Shawn Hokanson
Manager, Water Resources Branch
Kentucky Division of Water



KentuckyUnbridledSpirit.com

An Equal

SH:MH

Attachment

cc: Matt Dennis, USACE: Louisville District (via email: [REDACTED])
Nathan Berry, Big Rivers Electric Corporation (via email: Nathan.berry@bigrivers.com)
Zac Wahl, Patterson & Dewar Engineers, Inc. (via email: [REDACTED])
Paul Stovall, Patterson & Dewar Engineers, Inc. (via email: [REDACTED])
Lee Andrews, USFWS: Frankfort (via email: [REDACTED])
Madeline Pruszenski, Green and Tradewater Rivers Basin Coordinator (via email: [REDACTED])
Randy Thomas, Madisonville Regional Office (via email: [REDACTED])

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Prior to any construction activity, Big Rivers Electric Corporation shall submit to the Water Quality Section Project Manager a copy of the receipt of purchase of 1.89 wetland Adjusted Mitigation Units (AMUs) from an approved mitigation bank OR purchase of 2.27 wetland Adjusted Mitigation Units (AMUs) from an approved Kentucky in-lieu fee (ILF) program fund. Credits must be purchased prior to impacts. Mitigation banks and ILF programs are considered approved as defined in the April 10, 2008 Final Rule, 40 CFR Part 230: Compensatory Mitigation for Losses of Aquatic Resources. This condition is necessary to allow impacts to occur. Compensatory mitigation is the method to approve impacts and entire losses of a water resource. The Division can approve impacts and loss based on the confidence that the resource will be replaced and not result in a net loss of aquatic resources. Compensatory mitigation is the method of compliance for the Commonwealth's water quality standards. [33 CFR 332, 40 CFR 230, 401 KAR 10:031 Section 2(1)(a)]
S-2	Big Rivers Electric Corporation 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. This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
S-3	Big Rivers Electric Corporation shall notify the Water Quality Certification Project Manager or Supervisor of substantial completion of construction no later than two weeks post-construction. This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
S-4	Big Rivers Electric Corporation shall submit to the Water Quality Certification Section Project Manager or Supervisor an as-built report and a description of the photos within 90 days after restoration of the temporary impacted wetlands and streams. Restoration of the wetlands is considered to be re-contouring and grading to the original condition and seeding/planting. Restoration of the streams is considered to be re-establishing the stream bed, re-grading the stream banks to align with the existing floodplain and seeding/planting. As-built drawings for the restored wetlands shall include: restored condition contours and seeding/planting areas. As-built drawing for the streams shall include: cross-sections showing the original channel and bank contours and the restored contours, a description of the restored channel bed material, and a description of the seeding/planting. Photos shall include the temporary wetlands and streams prior to impact and after restoration. This condition is necessary to monitor the aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Submittal/Action Requirements:

Condition No.	Condition
S-5	Big Rivers Electric Corporation shall submit a monitoring report by the 31st of December beginning with the first full growing season of replanted vegetation. The beginning of the growing season is presumed to be March 1st. Monitoring is required for a period of no less than one (1) year following completion of construction. The report shall be written to include the photos of the area prior to construction and photos of post construction that demonstrate the temporary impacted streams and wetlands have been restored to their original condition. The report shall include description of the necessary reconstruction activities and a list of the native vegetation replaced in the areas. The report shall be submitted to the Water Quality Certification Section. This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
S-6	Big Rivers Electric Corporation shall submit request for the release of the temporary impact sites from monitoring requirements to the Water Quality Certification Section Project Manager or Supervisor. The report shall be submitted to the Water Quality Certification Section. This condition is necessary for the Division of Water to be informed of the ongoing activity for the purposes of site visits to ensure implementation of Kentucky Regulatory Statutes and Administrative Regulations; the Division will monitor the environment, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [KRS 224.10-100, KRS 224.1616(-050) (2), KRS 224.70-110]

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Narrative Requirements:

Condition No.	Condition
T-1	<p>The work approved by this certification shall be limited to:</p> <ul style="list-style-type: none">- Clearing of a new 7.2 mile-long, 125 foot-wide power line right-of-way and installation of transmission line structures.- Temporary impacts (crossing and vegetation clearing) to 287 linear feet of perennial stream.- Temporary impacts (crossing and vegetation clearing) to 1880 linear feet of intermittent stream.- Temporary impacts (crossing and vegetation clearing) to 619 linear feet of ephemeral stream.- Temporary impacts (crossing and vegetation clearing) to 3.64 acres of palustrine emergent wetlands.- Permanent conversion of 1.89 acres of palustrine forested wetlands to palustrine emergent wetlands.- Approximate location of project corridor (lat/long): 37.9140, -87.6264 (start); 37.7741, -87.5110 (end). <p>This condition is necessary to confirm activities approved by this certification. [401 KAR 10:030 Section 1, 401 KAR 9:010 Section 1(a)(2), KRS 224.10-100, KRS 224.70-110]</p>
T-2	<p>All work performed under this certification shall adhere to the design and specifications set forth in the following document(s):</p> <ul style="list-style-type: none">- Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification received on October 12, 2022.- Pre-filing Meeting Request received on October 12, 2022.- Certification Request received on December 6, 2022.- Bat Habitat Assessment 19MAY22 RL.pdf- BREC_Henderson 161 kV T_Line JD Report 20MAY22 KM.pdf- Canoe Creek.pdf- KYDOW - StreamCrossingPermit - Big Rivers - Henderson KY.pdf- LRL-2022-00868 S Henderson to HendersonPaperMill 161 kV.pdf- Permit Drawings.pdf- PFM Request Form 2022_South Henderson to Pratt.pdf- PJD_Packet_LRL-2022-665.pdf- Read 1st and Public Notification.pdf- South Henderson HPM BMP.pdf- Stream Construction Application_Signed.pdf

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Narrative Requirements:

Condition No.	Condition
	<ul style="list-style-type: none">- Wilson Creek Assesment.pdf- 1_KY_Wilson_20190415_TM_geo.pdf- 2_KY_Henderson_20190415_TM_geo (1).pdf- 20220606_PSC_ORDER.pdf- submittal email.msg- NOD#1.pdf- NOD#1_response.pdf- USACE_Correspondence.pdf- LRL-2022-868. RAI. Henderson 161 kV line.pdf- South Henderson HPM BMP.pdf- LRL-2022-868. RAI. Henderson 161 kV line.pdf- WQC Table w Photos.pdf- NOD#1_response2.pdf- PFO Impact Correction.pdf- NOD#1_response3.pdf- NOD#1_response4.pdf- NOD#1_response5_SeedMix.pdf
	<p>This condition is necessary to confirm activities approved by this certification. [401 KAR 10:030 Section 1, 401 KAR 9:010 Section 1(a)(2), KRS 224.10-100, KRS 224.70-110]</p>
T-3	<p>Mitigation for stream and/or wetland impacts shall begin prior to or concurrently with impacts. This condition is necessary to allow impacts to occur. Compensatory mitigation is the method to approve impacts and entire losses of a water resource. The Division can approve impacts and loss based on the confidence that the resource will be replaced and not result in a net loss of aquatic resources. Compensatory mitigation is the method of compliance for the Commonwealth's water quality standards. [33 CFR 332, 401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]</p>

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Narrative Requirements:

Condition No.	Condition
T-4	Big Rivers Electric Corporation is responsible for preventing degradation of waters of the Commonwealth from soil erosion. An erosion and sediment control plan must be designed, implemented, and maintained in effective operating condition at all times during construction. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
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. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-6	Erosion and sediment 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. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-7	Remove all sediment and erosion control measures after re-vegetation has become well-established. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-8	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. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-9	No in-stream operations or activities shall be conducted during fish spawning season (April 1 through June 30), due to the potential impacts of increased sediment load and associated water quality and designated aquatic habitat impacts. This condition is necessary to monitor the aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 4(1)(c,h), KRS 224.10-100, KRS 224.70-110]

Water Quality Certification
Big Rivers Electric Transmission Lines - Henderson Co
Facility Requirements
Permit Number: WQC2023-001-7
Activity ID No.: APE20220001

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Narrative Requirements:

Condition No.	Condition
T-10	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. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-11	Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse. This condition is necessary to prevent water pollution as prohibited by statute. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-12	To the maximum extent practicable, all in-stream work under this certification shall be performed during low flow. This condition is necessary to prevent and minimize objectionable deposits and pollution and protect the use of the stream. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-13	Removal of existing riparian vegetation shall be restricted to the minimum necessary for project construction. This condition is necessary to minimize negative effects to the environment, protect the use of the stream, and protect aquatic resources. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-14	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. This condition is necessary to monitor the aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 10:031 Section 2(1)(a), KRS 224.10-100, KRS 224.70-110]
T-15	This Water Quality Certification expires on January 19, 2028. This condition is necessary for the issuance of the certification. [KRS 224.10-100, KRS 224.16-050(2), KRS 224.70-110, KRS 224.70-110]

Water Quality Certification

Big Rivers Electric Transmission Lines - Henderson Co

Facility Requirements

Permit Number: WQC2023-001-7

Activity ID No.: APE20220001

Page 7 of 7

ACTV0000000001 (AI 175181; APE20220001) Clear right-of-way and install transmission line structures.:

Narrative Requirements:

Condition No.	Condition
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 prior to construction. 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. This condition is necessary for confirm authorized impacts, the appropriate responsible party, monitor the aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, KRS 224.16-050(2), KRS 224.70-110]
T-17	If there is a transfer or conveyance of the project site during the issued WQC term for the approved activity, Big Rivers Electric Corporation shall submit written notice to the Water Quality Certification Section Project Manager or Supervisor of the transfer or conveyance of the project site or any part of the project site at least 60 days prior to the transfer or conveyance of the project site. The notification shall include the WQC number; the Agency Interest (AI) No.; the name, mailing address, email address, and telephone number of the current owner; the name, mailing address, email address, and telephone number of the prospective transferee; the proposed effective date of transfer/conveyance; and a copy of the documentation evidencing the transfer/conveyance. Failure to comply with this condition does not negate the validity or enforceability of this certification. This condition is necessary for confirm authorized impacts, the appropriate responsible party, monitor the aquatic resources, minimize impact to aquatic resources, protect the use and designation of resources, allow more effective and efficient control practices, identify changes and conditions in ecological systems as a result of activities, and to warn of emergency conditions. [401 KAR 10:030 Section 1, 401 KAR 9:010 Section 1(a)(2), KRS 224.10-100, KRS 224.70-110]



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

January 26, 2023

Regulatory Division
South Branch
ID No. LRL-2022-00868

Nathan Berry
Big Rivers Electric Cooperation
201 3rd Street
Henderson, KY 42420

Dear Mr. Berry:

This is in response to your request for authorization to construct a new 161 kV aerial transmission line to connect the proposed Pratt Paper Mill Substation and the proposed South Henderson Switching station impacting unnamed tributaries and adjacent wetlands of Wilson Creek and Canoe Creek in Henderson County, KY (Latitude: 37.7857°; Longitude: - 87.54663°). 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 proposal is considered five separate and complete projects. Crossing 1, 6, 7, 9, and 12 are each considered a separate and complete project. Each project includes a discharge of dredged or fill material into waters of the United States associated with the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines and associated facilities. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 57, Electric Utility Line and Telecommunications Activities, as published in the Federal Register January 13, 2021. Under the provisions of this authorization, you must comply with the enclosed Terms and General Conditions for NWP No. 57, and the following Special Condition(s):

Special Condition 1: Prior to initiating the authorized work, the Permittee shall provide written verification to the U.S. Army Corps of Engineers that 1.89 federal mitigation bank wetland credits have been purchased from a Corps approved mitigation bank. The required verification shall reference this project's permit number (LRL-2022-00868).

Special Condition 2: Within 30 days from the date of completing the authorized work, the Permittee shall restore 3.64 acres of temporary wetland impacts to pre-existing contours and elevations. The affected areas shall be re-vegetated, as appropriate to minimize erosion and ensure site stability.

Special Condition 3: The Permittee shall comply with all conditions of the Section 401 Water Quality Certification No. 2023-001-7, dated January 19, 2023, issued by the Kentucky Division of Water, which are incorporated herein by reference.

Special Condition 4: Tree clearing shall not occur during the occupied timeframe from April 1 – October 14 to minimize adverse effects to the federally-listed northern long-eared bat (NLEB) and the Indiana bat. To mitigate for the loss of 2.84 acres of potential Indiana bat and NLEB

habitat and 2.16 acres of Summer 1 NLEB habitat, the permittee shall follow the process outlined in the Kentucky Field Office's (KFO) 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy) and provide receipt of an appropriate contribution to the Imperiled Bat Conservation Fund (IBCF). The Permittee shall contact the KFO of the U.S. Fish and Wildlife Service (USFWS) by calling (502) 695-0468 to determine the appropriate mitigation in accordance with the Conservation Strategy. The Permittee shall provide the Corps with a receipt of payment prior to any tree removal. If additional forested areas not previously considered in the DA permit application are to be cleared, the Permittee shall notify the Corps and the USFWS in advance of any additional tree clearing to determine if re-initiation of Endangered Species Act consultation is required.

This verification is valid until the NWP is modified, reissued, or revoked. NWP No. 57 will be modified, reissued, or revoked on March 14, 2026. It is incumbent upon Big Rivers Electric Cooperation to remain informed of changes to the NWPs. If Big Rivers Electric Cooperation commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. 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. Please 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 District Regulatory Office at the above address. ATTN: CELRL-RDS, or contact me directly at [REDACTED] or [REDACTED]. Any correspondence on this matter should refer to our ID Number LRL-2022-00868.

Sincerely,

Matt Dennis
Senior Project Manager
Regulatory Division

COORDINATING AGENCY

Michael Heyn
Kentucky Energy & Environment Cabinet
Division of Water
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601
[REDACTED]

AGENT

Zachary Wahl
Patterson & Dewar Engineers, Inc.
850 Center Way
Norcross, GA 30071
[REDACTED]

Compliance Certification:

Permit Number: LRL-2022-00868

Name of Permittee: Big Rivers Electric Cooperation

Date of Issuance: January 26, 2023

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