

**POND CREEK ROAD
(KY 1936)
PERMITS**

NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

PERMITTEE

Name: Northern Kentucky Water District
Contact Person:
Address: 2835 Crescent Springs Road
City: Erlanger
State: Kentucky
Zip: 41018
Telephone:

PROJECT IDENTIFICATION

Permit Number: 06-2023-00633

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right-of-way restoration have been completed and are ready for final inspection.

Permittee

Please return this form to the address below when work is completed and ready for final inspection.

Please Return to: Permit Engineer
Department of Highways, District 6 Office
421 Buttermilk Pike
Covington, Kentucky 41017
(859) 341-2700
www.transportation.ky.gov/

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 8" ductile iron water main in ditch line north of KY 1936.	Campbell - KY 1936	38.908619	-84.436909

APPROVED
JULY 25, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00633



Andy Beshear
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Department of Highways, District 6 Office
421 Buttermilk Pike
Covington, Kentucky 41017
(859) 341-2700
www.transportation.ky.gov/

Jim Gray
Secretary

July 25, 2023

Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, Kentucky 41018

Subject: Permit #: 06-2023-00633
Permit Type: Utilities - Water
Approval

Dear Applicant:

Attached is your permit approval and documentation for the subject permit.

Be advised that all work must be done in conformity with permit and application conditions. If you have any questions, please contact the Permits Section at this office.

Sincerely,

Linzy Brefeld
D6 Permits Supervisor

Attachments



An Equal Opportunity Employer M/F/D

APPROVED
JULY 25, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00633



ENCROACHMENT PERMIT

KYTC KEPT #: 06-2023-00633

Permittee: Northern Kentucky Water District

Permit Type / Subtype: Utilities / Water

Work Completion Date: 7/12/2024

INDEMNITIES		
Type	Amount Required	Tracking Number
Performance Bond	\$0.00	
Cash / Check	\$0.00	
Self-Insured	\$0.00	
Payment Bond	\$0.00	
Liability Insurance	\$0.00	

This permit has been: **APPROVED** **DENIED**

Linzy Brefeld D6 Permits Supervisor 7/25/2023

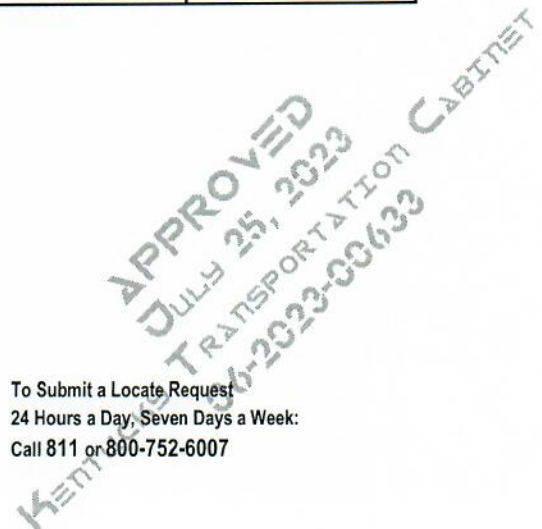
SIGNATURE TITLE DATE

The TC 99-1(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 8" ductile iron water main in ditch line north of KY 1936.	Campbell - KY 1936	38.908619	-84.436909



To Submit a Locate Request
 24 Hours a Day, Seven Days a Week:
 Call 811 or 800-752-6007





KENTUCKY TRANSPORTATION CABINET
 Department of Highways
 PERMITS BRANCH

TC 99-1A
 Rev. 10/2020
 Page 1 of 4

APPLICATION FOR ENCROACHMENT PERMIT

KYTC KEPT #: T06-2023-00633

SECTION 1: APPLICANT CONTACT INFORMATION

APPLICANT Northern Kentucky Water District		ADDRESS 2835 Crescent Springs Pike	
EMAIL	CITY Erlanger	STATE KY	ZIP 41018
CONTACT NAME 1 Kyle Ryan, PE		EMAIL KRyan@nkywater.org	PHONE # 859-426-2713
CONTACT NAME 2 (if applicable) Matt Bogen, PE		EMAIL mbogen@cardinalengineering.net	CELL #

SECTION 2: PROPOSED WORK LOCATION

ADDRESS 10365 Pond Creek Rd to 208 Visalia Rd.	CITY Unincorporated	STATE Kentucky	ZIP 41001
COUNTY Campbell	ROUTE # KY 1936	MILE POINT 7.14-6.82	LONGITUDE (X) -84.440654
LATITUDE (Y) 38.912396			

ADDITIONAL LOCATION INFORMATION:

FOR KYTC USE ONLY

PERMIT TYPE: Air Right Entrance Utilities Vegetation Removal Other: _____

ACCESS: Full Partial by Permit **LOCATION:** Left Right Crossing

SECTION 3: GENERAL DESCRIPTION OF WORK

Install 8" ductile iron water main in ditchline north of KY 1936. No open cut of roadway will be required.

THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.

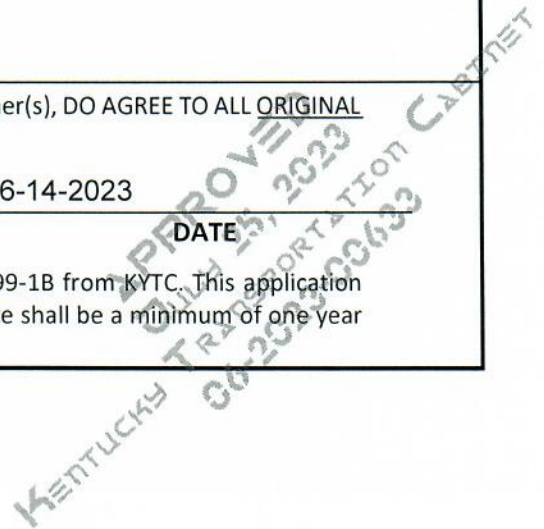
Steve Broering

 SIGNATURE

6-14-2023

DATE

This is not a permit unless and until the applicant(s) receives an approved TC 99-1B from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.





APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
 - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
 - B. **PAYMENT BOND:** At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
 - C. **LIABILITY INSURANCE:** Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
 - D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



APPLICATION FOR ENCROACHMENT PERMIT

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, "I (we), _____, hereby consent to the granting of the permit requested by the applicant along Route _____, which permit does affect frontage rights along my (our) adjacent real property." By signature(s) _____, subscribed and sworn by _____, on this date _____.
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.
16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.

APPROVED
JULY 25, 2023
KENTUCKY TRANSPORTATION CABINET
0672023-00633



APPLICATION FOR ENCROACHMENT PERMIT

- 17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
- 18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
- 19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
- 20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
- 21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.
- 22. The undersigned Utility acknowledges ownership and control of the facilities proposed to be installed, modified, or extended by the Applicant/Permittee and agrees to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department's Permits Guidance Manual, and by all applicable regulations and statutes in effect on the date of issuance of the permit. This information and application is certified correct to the best knowledge and belief of the undersigned Utility.

Northern Kentucky Water District

UTILITY

Steve Broering

NAME (Utility Representative)

Steve Broering
SIGNATURE (Utility Representative)

Engineering Technician

TITLE (Utility Representative)

6-14-2023

DATE



To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007

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JUL 25, 2023
KENTUCKY TRANSPORTATION CABINET
06-20-2023 09:36:33



**KYTC Division of Maintenance
Permits Branch
District 6**



ENCROACHMENT PERMIT GENERAL NOTES & SPECIFICATIONS

YOU MUST NOTIFY KYTC BEFORE BEGINNING ANY WORK IN THE RIGHT-OF-WAY. *Failure to alert KYTC of working within the right of way may result in permit revocation.*

Two ways to notify KYTC of your construction start date:

By Email: KYTCD6PERMITS@KY.GOV

**must include permit number and county in subject line*

By Phone: 859-341-2700

**must know permit number and county when calling*

YOU MUST ALSO NOTIFY KYTC UPON COMPLETION OF WORK WITHIN RIGHT-OF-WAY. *Failure to alert KYTC of completion of work may result in withholding release of any associated bonds.*



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I. SAFETY

A. General Provisions

- All signs and control of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, Part VI, and safety requirements shall comply with the Permits Manual. Federal law requires that traffic control shall be implemented in accordance with MUTCD standards and KYTC's Standard Specifications for Road and Bridge Construction (KYTC SSRBC) under the supervision of a certified Work Zone Traffic Control Supervisor.
- All work necessary in shoulder or ditch line areas of a state highway shall be scheduled to be promptly completed so that hazards adjacent to the traveled way are kept to an absolute minimum.
- No more than one (1) traveled-lane shall be blocked or obstructed during normal working hours. All signs and flaggers during lane closure shall conform to the MUTCD. The traveled-way and shoulders shall be kept clear of mud and other construction debris at all times during construction of the permitted facility. No non-construction equipment or vehicles or office trailers shall be allowed on the right of way during working hours. The right of way shall be left free and clear of equipment, material, and vehicles during non-working hours.
- When necessary to block one (1) traveled-lane of a state highway, the normal working hours shall be as directed by the Department. No lanes shall be blocked or obstructed during adverse weather conditions (rain, snow, fog, etc.) without specific permission from the Department.
- Working hours shall be between 9:00 AM and 3:00 PM. Further date and time restrictions are as follows:

[Empty rectangular box for additional working hour restrictions]

B. Explosives

- No explosive devices or explosive material shall be used within state right of way without proper license and approval of the Kentucky Department of Mines and Minerals, Explosive Division.

C. OSHA

- Kentucky Occupational Safety and Health Standards for the construction industry, which has the effect of law, states in part: (Page 52, 1926.651, Specific Excavation Requirements) "Prior to opening an excavation, effort shall be made to determine whether underground installations, (sewer, telephone, water, fuel, electric lines, etc.) will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation."

D. Archaeological

- Whenever materials of an archaeological nature are discovered during the course of construction work or maintenance operations, contact shall be made immediately with the Division of Environmental Analysis, which maintains an archaeologist on staff, or with the Office of the State Archaeologist located at the University of Kentucky. Following this consultation, further action shall be decided on a case-by-case basis by the State Highway Engineer or the Transportation Planning Engineer or their designated representative.

E. Environmental

- If the activity to which this permit related disturbs one acre or more of land, you must obtain KPDES KYR10 permit. Information can be found at <http://water.ky.gov/permitting/Pages/GeneralPermits.aspx>

F. Additional Notes

- The following additional notes apply to this permit:

Bore pits must be made safe for an errant vehicle during non working hours.

[Empty rectangular box for additional notes]

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II. UTILITIES

- The permittee shall be responsible for any damage to existing utilities. Any utility modifications or relocations within state right of way necessary, as determined by the Department or by the owner of the utility, shall be at the expense of the permittee and subject to the approval of the Department. Operators of underground utilities in right of way shall be members of Kentucky 811.
- All existing manholes and valve boxes shall be adjusted to be flush with finished grade.
- All pavement cuts shall be restored per Kentucky Transportation Cabinet standards and specifications.
- Any excavation within 3' of edge of pavement will require flowable fill as backfill.
- The clear zone requirement shall be met to the extent possible in accordance with the Roadside Design Guide.
- Encasement pipe shall conform to current standards for highway crossings in accordance with the Permits Manual. Pipe encasing shall not be required if the pipe crossing is 2" or less.
- Aerial crossing of utility lines shall have a minimum clearance from the high point of the roadway to the low point of the line of 24' on fully controlled access highways and 18' on non-fully controlled access highways
- Minimum depth for underground Gas and Electric lines is 60" under roadways, ramps, and ditch lines and 42" in all other areas within state right of way. The minimum depth for all other utilities is 42" in all areas.
- When steel plates are installed over an open excavation in the roadway, they must be anchored to the pavement and have asphalt applied to all exposed edges and an MUTCD approved sign noting "Road Plates Ahead." KYTC must be notified of the location, date, time, and permit number associated to BOTH the installation and removal of the plate. Failure to do so may result in permit revocation.
- Utility poles moved for replacement must be removed in their entirety and the hole left behind must be backfilled.
- No poles or anchors shall be installed in a roadside ditch.
- Utility notes specific to fully-controlled access highways ONLY:**
All work necessary within the right-of-way shall be performed behind a temporary fence erected prior to the start of work. The temporary woven wire fence shall be removed immediately upon completion of work on the right-of-way, and the control of access immediately restored to original condition, in accordance with applicable KYTC SSRBC. All vents, valves, manholes, etc., shall be located outside of the right-of-way. Encasement pipe shall extend from right-of-way line to right-of-way line and shall be one continuous run of pipe. The encasement pipe shall be welded at all joints. The boring pit and tail ditch shall extend past the existing toe of slope or bottom of ditch line and shall be a minimum of 42 inches deep. Work in interstate right-of-way requires approval from FHWA (Federal Highway Administration).
- Additional notes:

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III. DRAINAGE

- Negative impacts to existing drainage will be the applicant's responsibility to repair in accordance with KYTC SSRBC.
- All pipe shall be laid in a straight alignment, to proper grades, and with all materials and methods of installation including bedding and joint seating. Pipe shall not be covered until inspected by the Department and express permission obtained to make backfill. It is the applicant's responsibility to request inspection.
- All gutter lines at the base of new curbs shall be on continuous grades, and pockets of water along with curbs or in entrance areas or other paved areas within the right-of-way shall not be acceptable.
- All drainage structures and appurtenances (manholes, catch basins, curbing, inlet basins, etc.) shall conform to the Department specifications and shall be constructed in accordance with the KYTC's Standard Drawings.
- Additional notes:

IV. PAVING

- No bituminous pavement shall be installed within the right of way between November 15 and April 1, nor when the temperature is below 40 degrees Fahrenheit, without the express consent of the Department. No bituminous pavement shall be installed when the underlying course is wet.
- Paving within the right of way shall be as follows:
 - Base (Type): Match Existing, (Thickness) Match Existing
 - Surface Base (Type) Match Existing, (Thickness) Match Existing
 - Finished Surface (Type) Match Existing, (Thickness) Match Existing
- All materials and methods of construction, including base and subgrade preparation, shall be in accordance with KYTC's Standard Specifications. At least 24 hours notice to the Department is required prior to beginning paving operations.
 Phone: 859-341-2700 Name: Kenny Kool
- Utility companies performing road cuts must restore the pavement to pre-existing condition. Pictures/videos are recommended to ensure proper placement of signs and lane markers that are temporarily removed for paving operations. In some cases, a pre-work inventory may be requested from the Department.
- Existing pavement and shoulder material shall be removed to accommodate the above paving specifications.
- The finished surface of all new pavement within the right of way shall be true to the required slope and grade, uniform in density and texture, free of irregularities, and equivalent in riding qualities to the adjacent highway pavement or as determined by KYTC.
- To ensure proper surface drainage, the new pavement shall be flush with the edge of existing highway pavement and shall slope away from the existing edge of the pavement as specified in drawings.
- Existing edge of pavement shall be saw-cut to provide a straight and uniform joint for new pavement, and an edge key will be installed in the overlap. An approved joint sealer, in accordance with Kentucky Department of Highways Standard Specifications (latest edition), shall be applied between new and existing pavements.
- Additional notes:

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V. ENTRANCES

- Encroachment permits issued by KYTC in no way supersede local planning/zoning requirements or subdivision regulations. KYTC has no authority with zoning changes.
- Commercial entrances must be paved to the right-of-way line. Any deviations must be approved by KYTC before installation.
- KYTC can dictate drainage improvement installation during construction or after entrance is at final grade. The permit release does not release the permit applicant from drainage maintenance.
- Signs (ground-mounted and span-mounted), stop bars, crosswalk, and proper lane markings must be in-place before entrance is open for traffic. Lane width modifications must be approved by the Department.
- Guardrail installation must be pre-approved by the Department and installed by a KYTC pre-qualified contractor. Any guardrail that is removed during construction must be returned to the local KYTC maintenance facility.

Additional notes:

VI. TRAFFIC

- Any contractor performing work within the vicinity of KYTC roadway lighting or traffic signals, must request locates from the KYTC District 6 Traffic section at least one week before of starting work in the right-of-way.
- Applicant must maintain all KYTC Roadway signage that is impacted by the permitted work. In the event that any signs have to be moved, it is the applicant's responsibility to mark the sign's location before removal and to install the original or new sign per KYTC standards for sign installation.
- Any thermoplastic or striping damaged during the encroachment must be restored in a timely manner per KYTC standards. Stopbars, arrows, and crosswalks must be thermoplastic material, paint is not acceptable. This work must be performed by a KYTC pre-qualified contractor.
- Excavating near a signal, lighting pole, or anchoring facility must be done so that it does not impact the structural integrity of the pole. Any work that requires a temporary support or anchoring must receive prior approval.
- If the scope of the permit involves a signal build or rebuild, it is the applicant's responsibility to apply for power service (and pay monthly electrical bill) as well as request electrical inspection from the KYTC District 6 Traffic section. If the signal modifications require timing or phasing changes this must be requested at least two weeks in advance of the signal's turn-on date. KYTC will not take ownership of permitted signals until the electrical inspection is formally accepted and approved.
- Work which impacts traffic loops requires 48-hour notice to the KYTC District 6 Traffic section at 859-341-2700. Accidental damage of a traffic loop must be reported immediately to KYTC District 6's emergency line at 859-620-2738. Any disturbed traffic loops must be replaced in a timely manner. Traffic loops out of operation for more than five working days will subject the applicant to the cancellation of the permit. Loop repair must be performed by a KYTC pre-qualified contractor.

Additional Notes:

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VII. SIDEWALK SPECIFICATIONS

All sidewalk modifications, retrofitting, or installations must meet current ADA guidelines

A. New Sidewalks

New sidewalk specifications, dimensions, and designs shall be in accordance with KYTC's latest edition of the Standard Specifications, or with the plans provided on the permit if approved by a KYTC D6 Construction or Permits Engineer.

All materials and methods of construction, including curing, shall be in accordance with KYTC's latest edition of the Standard Specifications.

B. Existing Sidewalks

Use of the sidewalk shall not be blocked or obstructed and a usable walkway shall be maintained across the construction area at all times per MUTCD . Sidewalk closures must be approved by the Department before implementation.

The location of ADA ramps (truncated domes/tactile warnings/etc.) will need to be field verified by KYTC before installation.

Any section of sidewalk that becomes damaged shall be entirely replaced to match existing sections.

Additional notes:

[Empty rectangular box for additional notes]

VIII. RIGHT OF WAY RESTORATION

All disturbed portions of the right of way shall be restored to grass as per Kentucky Department of Highways Standard Specifications for Road and Bridge Construction (latest edition). A satisfactory turf, as determined by the Department, shall be established by the permittee prior to release of indemnity. Sodding or seeding shall be as follows:

Slopes 3:1 or Less: 90% Kentucky 31 Tall Fescue and 10% White Dutch Clover at 100 lbs/acre

Slopes Greater than 3:1: 90% Kentucky 31 Tall Fescue and 10% Partridge Pea at 100 lbs/acre

Urban or Residential Areas: 95% Turf Type Fall Fescue Blend and 5% White Dutch Clover at 275 lbs/acre

Two tons of clean straw mulch per acre of seeding.

Prior to seeding, the ground shall be prepared in accordance with Kentucky Department of Highways Standard Specifications for Road and Bridge Construction (latest edition).

Substitutes for sod such as artificial turf, rocked mulch, or paved areas may be acceptable if they are aesthetically pleasing and receive prior approval from KYTC.

All ditch-flow lines and all ditch-side slopes shall be sodded.

Existing concrete right of way markers shall not be disturbed. If damaged in any way, they shall be entirely replaced by the permittee with new concrete markers to match the original markers, in accordance with Kentucky Department of Highways Standard Drawings. Markers that are entirely removed shall be re-established in the proper locations by the permittee and to the satisfaction of the Department.

Additional notes:

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IX. RIGHT OF WAY FENCE RESTORATION

- The replacement fence shall be a height of at least 48 inches and shall be of sufficient density to protect against encroachment.
- The replacement fence shall be a minimum of 1 foot and a maximum of 2 feet outside the right-of-way line
- The fence materials and design shall meet accepted industry standards and be treated as paintable. Durable finish materials such as vinyl are acceptable.
- The permittee shall be required to construct and maintain the replacement fencing to an acceptable level of functionality and state of repair. All work on the fencing shall be performed by access from the private property. Access from the roadway is not allowed.
- The existing fence shall be removed by permittee and stored at the Department's maintenance storage yard for future reuse by the Department, or the Department shall be reimbursed the cost of fencing removed.
- Right of way monuments shall be installed regardless of if replacement fence is installed or not.
- The control of access shall not be diminished as a result of replacement of the fence.
- Additional notes:

X. MISCELLANEOUS NOTES

NOTICE TO PERMITTEE

THE PERMITTEE AGREES THAT ALL WORK WITHIN THE EXISTING RIGHT OF WAY SHALL BE DONE IN ACCORDANCE WITH THE CURRENT KYTC STANDARD SPECIFICATIONS AND THE PLANS AS APPROVED AND PERMITTED BY AN ENCROACHMENT PERMIT. ANY CHANGES OR VARIANCES MADE AT THE TIME OF CONSTRUCTION WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT OF HIGHWAYS SHALL BE REMOVED BY THE PERMITTEE AT NO EXPENSE TO THE DEPARTMENT OF HIGHWAYS AND SHALL BE REDONE BY THE PERMITTEE TO CONFORM WITH THE APPROVED PLANS.

KENTUCKY DEPARTMENT OF HIGHWAYS
APPROVED
T06-2023-00633
CABINET



**TYPICAL HIGHWAY BORE DETAIL
 - FOR NON-FULLY CONTROLLED HIGHWAYS -**

KYTC KEPT #: _____

SECTION 1: HIGHWAY INFORMATION

COUNTY: Campbell	ROUTE: KY 1936	MILE POINT: 6.94	PAVEMENT WIDTH: 19.75'
----------------------------	--------------------------	----------------------------	----------------------------------

SECTION 2: UTILITY INFORMATION

UTILITY TYPE: Water	PIPE TYPE: Ductile Iron Pipe	DIAMETER: 8"
-------------------------------	--	------------------------

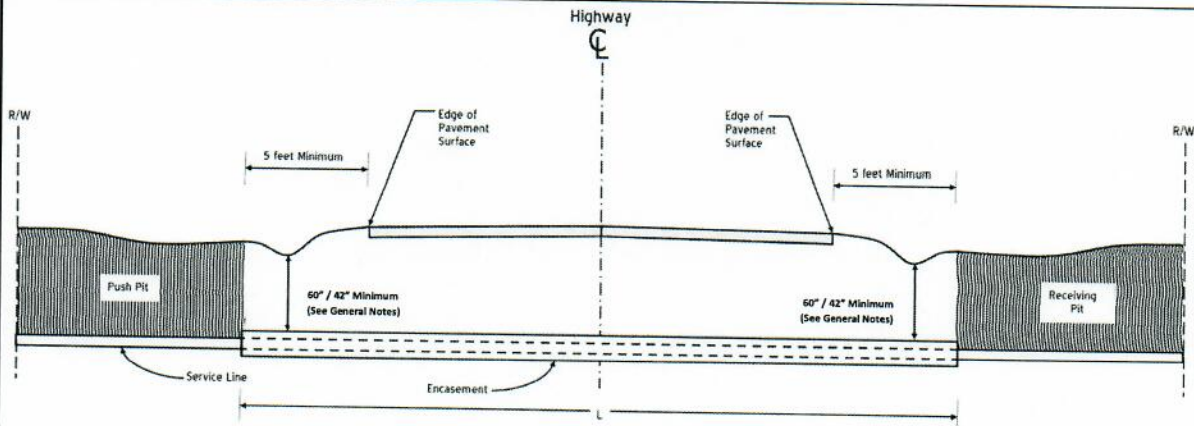
SECTION 3: ENCASEMENT INFORMATION

ENCASEMENT TYPE: Steel	DIAMETER: 16"
----------------------------------	-------------------------

SECTION 4: BORE INFORMATION

BORE TYPE: Bore & jack	LENGTH (L): 30 LF	DIAMETER: 16"
----------------------------------	-----------------------------	-------------------------

SECTION 5: DETAIL FOR NON-FULLY CONTROLLED HIGHWAYS



SECTION 6: GENERAL NOTES

- Push Pit and Receiving Pit shall be backfilled and thoroughly compacted.
- All ditch lines are to remain open at all times and restored to original condition.
- Shape, Seed and Straw all disturbed areas immediately after completing the work.
- Provide traffic control as required to ensure the safety of the traveling public in accordance with the current edition of the *Manual on Uniform Traffic Control Devices*.
- The minimum depth for underground electrical lines and natural gas and petroleum fraction lines under roadways, ramps, and ditch lines is 60". The minimum depth for underground electrical lines, natural gas and petroleum fraction lines, and all other underground utilities is 42" in all other areas, unless NESC requires additional depth.
- See KYTC Permits Manual for all requirements and specifications.

APPROVED
 JULY 14 2023
 KENTUCKY TRANSPORTATION CABINET
 06-2023-00133

From: [Steve Broering](#)
To: [Kool, Kenneth H \(KYTC-D06\)](#)
Subject: RE: *EXTERNAL* RE: *EXTERNAL* RE: KY 1936 Pond Creek Road
Date: Friday, March 22, 2024 3:14:00 PM
Attachments: [Sheet C-545.pdf](#)

Kenny,

Attached is updated Sheet C-545 that depicts the change in the road crossing and restoration requirements.

This drawing is an update for KYTC permit 06-2023-00633

Thank you for getting this approved.

Regards,
Steve Broering
NKWD

From: Kool, Kenneth H (KYTC-D06) <Kenny.Kool@ky.gov>
Sent: Thursday, March 21, 2024 9:22 AM
To: Steve Broering <sbroering@nkywater.org>
Subject: *EXTERNAL* RE: *EXTERNAL* RE: KY 1936 Pond Creek Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Steve,

The crossing will be permitted to cross at a 45 degree angle.

Thanks,

Kenny Kool
KYTC District 6 Permits
(859) 341-2700

From: Steve Broering <sbroering@nkywater.org>
Sent: Friday, March 15, 2024 10:02 AM
To: Kool, Kenneth H (KYTC-D06) <Kenny.Kool@ky.gov>
Subject: RE: *EXTERNAL* RE: KY 1936 Pond Creek Road

Kenny,

I have one more question about the crossing. Can the crossing be at a 45 degree angle or

must it be a 90 degree angle? I want to give my engineer some direction before he finishes modifying the plan sheet. From the Water Districts perspective, it is easier to place concrete blocking behind 45 degree fittings vs. 90 degree fitting and have everything stay together.

Thanks,
Steve Broering
NKWD
859-426-2728

From: Kool, Kenneth H (KYTC-D06) <Kenny.Kool@ky.gov>
Sent: Friday, March 1, 2024 1:36 PM
To: Steve Broering <sbroering@nkywater.org>
Subject: *EXTERNAL* RE: KY 1936 Pond Creek Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Steve,

The proposed crossing will be permitted to be open cut. Please send the revised plan sheet showing the trench being backfilled with flowable fill to the bottom of the existing pavement section and the remainder of the pavement section being filled with asphalt base to the surface. After 2 weeks, the entire width of the road will need to be milled 1.5" deep 25' on each side of the trench and replaced with 1.5" asphalt surface. Feel free to reach out to me with any questions.

Thanks,

Kenny Kool
KYTC District 6 Permits
(859) 341-2700

From: Steve Broering <sbroering@nkywater.org>
Sent: Monday, February 19, 2024 2:55 PM
To: Kool, Kenneth H (KYTC-D06) <Kenny.Kool@ky.gov>
Subject: FW: KY 1936 Pond Creek Road

****CAUTION**** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

Kenny,
The Northern Kentucky Water District is requesting to install a water main across KY 1936. The

original plan was to bore and jack the proposed water main under the roadway. The District has been unsuccessful in negotiating an easement for the bore pit. It was requested by KYTC to look for another place for a bore pit along the road. The attached map shows that all the property is owned by Michael Breetz from the beginning of the project to where the proposed water main crosses the road. Moving the crossing further down the road is complicated by the next driveway which is heavily landscaped and hard to replace and the topography of the right of way is much steeper for installation of the water main.

From: Steve Broering

Sent: Monday, February 5, 2024 2:59 PM

To: Linzy Brefeld (linzy.brefeld@ky.gov) <linzy.brefeld@ky.gov>

Subject: KY 1936 Pond Creek Road

Linzy,

The Water District is having difficulty in acquiring the easement for crossing Pond Creek Road. We are requesting to change the existing permit to allow crossing the road with an open cut followed up by mill and pave restoration. The crossing would be similar to the work that will be done on KY 915. KY 915 - KYTC permit 06-2023-00633
KY 1936 – KYTC permit 06-2023-00633

Please see attachments.

If you need to discuss the project I can be reached via email or at 859-426-2728.

Regards,

Steve Broering

Northern Kentucky Water District

From: [Kool, Kenneth H \(KYTC-D06\)](#)
To: [Steve Broering](#)
Subject: *EXTERNAL* RE: *EXTERNAL* RE: *EXTERNAL* RE: KY 1936 Pond Creek Road
Date: Monday, March 25, 2024 7:04:38 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks! I have updated our files.

From: Steve Broering <sbroering@nkywater.org>
Sent: Friday, March 22, 2024 3:14 PM
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Please see attachments.

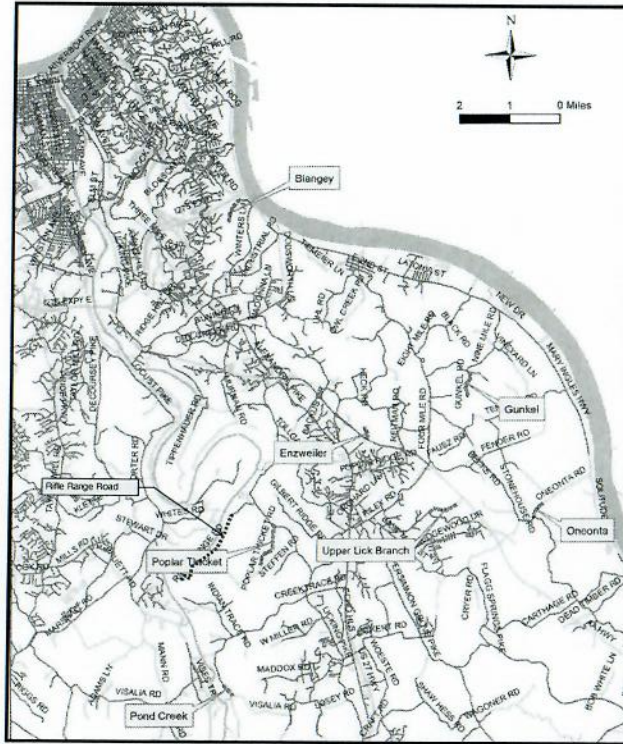
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Regards,
Steve Broering
Northern Kentucky Water District

SUBDISTRICT HB WATER MAIN EXTENSION PROJECT

CAMPBELL COUNTY, KENTUCKY

LEGEND			
EXISTING STRUCTURES AND FEATURES	PROPOSED STRUCTURES AND FEATURES		
—○—	OVERHEAD ELECTRIC	—○—	WATER LINE
—□—	UNDERGROUND ELECTRIC	—○—	WATER VALVE
—□—	ELECTRIC BOX	—○—	FIRE HYDRANT
—○—	ELECTRIC MANHOLE	—○—	NEW METER SETTING
—○—	ANCHOR POLE	—○—	INLET PROTECTION
—○—	LIGHT POLE	—○—	SILT FENCE
—○—	UTILITY POLE	—○—	LIMITS OF CONSTRUCTION
—○—	GROUND LIGHT	—○—	MILL EXISTING BITUMINOUS ASPHALT
—○—	OVERHEAD TELEPHONE	—○—	CONCRETE PAVEMENT 1-1/2" AND
—○—	UNDERGROUND TELEPHONE	—○—	RESURFACE WITH HOT APPROVED
—○—	TELEPHONE BOX	—○—	BITUMINOUS ASPHALT PAVEMENT
—○—	TELEPHONE MANHOLE	—○—	BRIDGE RESTORATION ONLY
—○—	POLE	—○—	CONC. WALK/DRIVE RESTORATION
—○—	BOX	—○—	CONCRETE PANEL REPLACEMENT
—○—	WALL BOX	—○—	GRAVEL DRIVE RESTORATION
—○—	WATER LINE	—○—	REPLACE AND RECONNECT SERVICE
—○—	WATER VALVE	—○—	LINE (80 ITEM 10.06)
—○—	FIRE HYDRANT	—○—	REPLACE SERVICE LINE AND
—○—	WATER METERS	—○—	INSTALL WATER METER SETTING
—○—	WATER VALVE BOX	—○—	(80 ITEM 10.02)
—○—	WATER VALVE MANHOLE	—○—	RECONNECT COPPER SERVICE (80
—○—	WATER INDICATOR VALVE	—○—	ITEM 10.02)
—○—	GAS LINE	—○—	ARABIAN EXISTING CURB
—○—	GAS METER	—○—	STOP/FACER SETTING MOVE
—○—	GAS VALVE	—○—	METER OUTSIDE (80 ITEM 10.08)
—○—	GAS VALVE BOX		
—○—	UTILITY MANHOLE		
—○—	SEWER MANHOLE		
—○—	SEWER OR OTHER		
—○—	GUARDRAIL		
—○—	FENCE LINE		
—○—	1/4" X 1/4" FENCE LINE		



VICINITY MAP
SCALE: 1" = 6000'

SHEET INDEX

C-000	TITLE/VICINITY MAP
C-100	SPECIFICATION SHEET
C-200	SWPPP DETAILS
C-240-241	DETAIL SHEETS
C-504-509	BLANGEY ROAD PLAN AND PROFILE SHEETS
C-510-512	ENZWEILER ROAD PLAN AND PROFILE SHEETS
C-513-518	GUNKEL ROAD PLAN AND PROFILE SHEETS
C-519-534	ONEONTA ROAD (KY 1566) PLAN AND PROFILE SHEETS
C-535-542	UPPER LICK BRANCH PLAN AND PROFILE SHEETS
C-543-546	POND CREEK ROAD (KY 1936) PLAN AND PROFILE SHEETS
C-547-557	POPLAR THICKET ROAD PLAN AND PROFILE SHEETS
C-558-577	RIFE RANGE ROAD

CONTACTS

ROAD DEPARTMENTS:

**BLANGEY ROAD, GUNKEL ROAD,
UPPER LICK BRANCH, ENZWEILER ROAD,
POPLAR THICKET ROAD**

LUKE MANTLE
CAMPBELL COUNTY ROAD DEPARTMENT
1175 RACE TRACK ROAD
ALEXANDRIA, KENTUCKY 41001
(859)-635-9100

(KY 8, KY 1566, KY 9, KY 915, KY 1936)

LINZY BREFFED
KENTUCKY TRANSPORTATION CABINET
DISTRICT 6
421 BUTTERMILK PIKE
CRESCENT SPRINGS, KENTUCKY 41017
(502)-564-6014

WATER:
NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018
(859) 578-9898

SEWER:
SANITATION DISTRICT NO. 1
1045 EATON DRIVE
FORT WRIGHT, KENTUCKY 41011
(859) 578-7450

ELECTRIC:
DUKE ENERGY
1262 COX ROAD
ERLANGER, KENTUCKY 41018
(513) 287-3589

GAS:
DUKE ENERGY
1262 COX ROAD
ERLANGER, KENTUCKY 41018
(859) 287-5408

TELEPHONE:
CINCINNATI BELL TELEPHONE COMPANY
201 EAST FOURTH STREET
103-1175
CINCINNATI, OHIO 45202
(513) 566-7185

CABLE TELEVISION:
INSIGHT COMMUNICATIONS
7906 DRIE HIGHWAY
FLORENCE, KENTUCKY 41076
(888) 735-0300

OTHER UTILITIES:
UNITED UTILITIES PROTECTION
(800) 752-6007

BENCHMARK INFORMATION

BASIS OF BEARINGS:
BEARING SYSTEM BASED ON THE KENTUCKY STATE PLANE
COORDINATE SYSTEM, NORTH ZONE (NAI: 83) PERFORMED BY
CARDINAL ENGINEERING CORPORATION IN MARCH, 2020.

SOURCE OF ELEVATION:
VERTICAL DATUM IS BASED ON THE NORTH AMERICAN DATUM OF
1988, PER GPS OBSERVATIONS UTILIZING KENTUCKY CORS VIRTUAL
REFERENCE STATIONING (NAVO 88)

REVISIONS DATE #	ITEM
08-12-24	1 REV PER MEND
08-01-24	2 REV PER MEND



CARDINAL

ENGINEERING
LAND SURVEYING
CONSTRUCTION

ONE MEDICAL ROAD
WALKER KENTUCKY 41071
PH: 859-281-1000
FAX: 859-281-1000

WEBSITE: <http://www.cardinaleng.com>

PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION
CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018-0640

JOB LOG DATE	ITEM
08-02-23	TO MEND-CB-DTC-KAY
08-01-23	TO MEND-CB, GETE FINAL REVIEW
07-12-24	TO MEND FOR ADOPT ADJUSTING
03-21-24	KYIC REV (POND CREEK-ONEONTA)
04-01-24	COND REV (TRUCKNELL-ONEONTA)
05-01-24	ADOP SUBMISSION

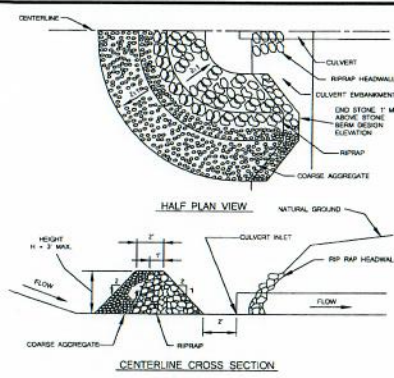
DESIGNER	SEAL
CWH	
CWH	
PROJECT MANAGER	
KGH	

PROJECT NO. 23-001
SCALE AS NOTED
DATE 01-11-23

TITLE-VICINITY
SHEET C-000

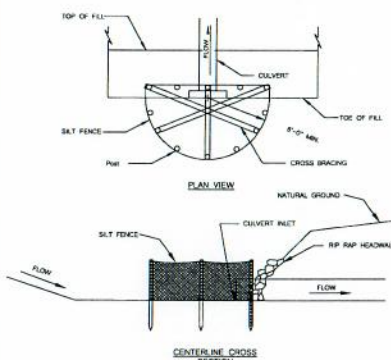


NOTE:
UNDERGROUND UTILITIES ARE SHOWN BASED
ON ABOVE GROUND OBSERVATIONS AND
CONSTRUCTION PLANS PROVIDED TO
CARDINAL ENGINEERING AND MAY NOT BE
COMPLETE OR ACCURATE.
CONTRACTOR TO VERIFY LOCATION AND USE
CAUTION WHEN EXCAVATING IN AREAS OF
SUSPECTED BURIED UTILITIES.



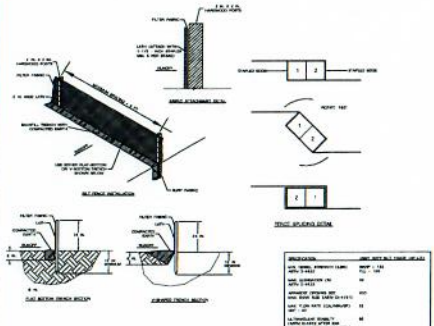
1 CULVERT INLET PROTECTION - STONE
SCALE: NTS

- NOTES:
1. SEDIMENT SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO ONE-HALF THE HEIGHT OF THE STONE BAG.
 2. COARSE AGGREGATE SHALL MEET ONE OF THE FOLLOWING SPECIFICATIONS: APPROXIMATE CRACKING: 1000 PSI, 4" DIA. OR 8".
 3. RIPRAP SHALL MEET MEET CLASS A.
 4. THE MAXIMUM DRAINAGE AREA IN ANY ONE SECTION BEING PROTECTED IS 1 ACRE.
 5. SEE THE STONE BAG INTO THE CULVERT EMBANKMENT OF THE STONE BAG.

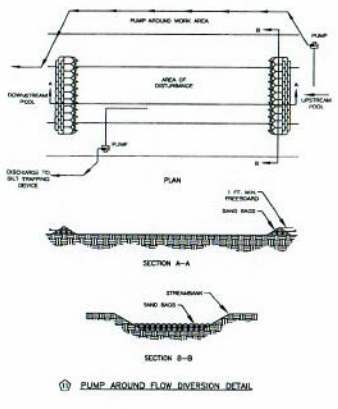


2 CULVERT INLET PROTECTION - SILT FENCE
SCALE: NTS

- NOTES:
1. THE SILT FENCE SHALL MEET THE REQUIREMENTS AS SHOWN ON STANDARD DRAWING SD-11, 1.2, & 2.3 EXCEPT THE MAXIMUM POST SPACING SHALL BE 3 FEET AND THE TOPS OF POSTS SHALL BE CROSS BRACED.
 2. SEDIMENT SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO ONE-THIRD THE HEIGHT OF THE SILT FENCE.
 3. THE MAXIMUM DRAINAGE AREA TO THE CULVERT BEING PROTECTED IS 1 ACRE.

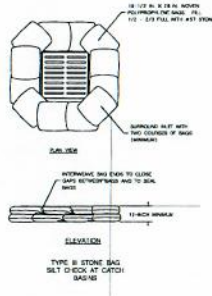


3 SILT FENCE DETAIL
SCALE: NTS



4 PUMP AROUND DIVERSION DETAIL
SCALE: NTS

- PUMP AROUND FLOW DIVERSION NOTES
1. USE PUMP AROUND DIVERSION WHEN CONSTRUCTION ACTIVITY IS WITHIN A FLOWING STREAM, CREEK, OR DITCH.
 2. PUMP AROUND DIVERSION LOCATIONS IDENTIFIED ON THE PLANS MAY NOT BE REQUIRED IF STREAM, CREEK OR DITCH CROSSING IS DRY AND NOT FLOWING.



5 STONE BAG INLET PROTECTION
SCALE: NTS

- DESCRIPTION:
- STONE BAG BAGS SHALL BE HEAVY POLYPROPYLENE BAGS WITH APPROXIMATE DIMENSIONS OF 30-1/2 INCHES BY 18 INCHES.
- THE BAGS SHALL BE FILLED BY 10-15 POUNDS WETTED NO. 12 STONE, TO THE CORNER OF FILLED BAGS USING STRIP TAPE STRINGS OR WIRE TIES.
- BEFORE USE THE CORNER BAGS OF THIS BAGS SHOULD BE FILLED WITH SAND AND PLACED AT THE CORNER OF THE BAGS AND SEALED.
- COMPLETELY SURROUND THE BAGS WITH A MINIMUM OF TWO (2) ROWS OF BAGS TO A MINIMUM OF 10 FEET IN DIAMETER.
- INSTALLATION AND MAINTENANCE:
- BEFORE USE BAGS SHOULD BE HEAVY POLYPROPYLENE BAGS WITH APPROXIMATE DIMENSIONS OF 30-1/2 INCHES BY 18 INCHES.
- IF SEDIMENT ACCUMULATES NEARBY TO THE FACE OF THE BAGS REMOVE IT ACCORDING TO A SCHEDULED TIME TO USE THE STRUCTURE. ANY REMOVAL SHOULD BE DONE IMMEDIATELY. THIS CAN BE DONE BY SHAKING OR UNDOING THE BAGS FROM THE SEDIMENT.
- REMOVE AND REPLACE ANY DAMAGED BAGS AND DISPOSE OF THEM PROPERLY.
- STORM BAGS ARE PROTECTIVE STRUCTURES SHOULD BE REMOVED ONLY AFTER THE DISTURBANCE IS COMPLETELY ELIMINATED.
- REMOVE ALL CONSTRUCTION MATERIAL AND DEBRIS AND DISPOSE OF THEM PROPERLY.
- GRADE THE DISTURBED AREA TO THE ELEVATION OF THE ORIGINAL STRUCTURE. CHECK AND ADJUST THE TREATMENT CONSTRUCTION METHODS TO ENSURE BAGS ARE UNDER THE FILL.

NOTE: THE 12-INCH HEIGHT REQUIREMENT IS BASED ON CORNER BAGS IF ALL CORNER BAGS ARE DAMAGED AT THE STONE BAGS ARE DAMAGED.

REVISIONS	DATE	ITEM

CARDINAL
ENGINEERING
LAND SURVEYING
ONE HENRIETTA ROAD
WILDER, KENTUCKY 41071
PHONE: (606) 541-9900
FAX: (606) 541-9908

WEBSITE: <http://www.cardinalengineering.net>

PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION

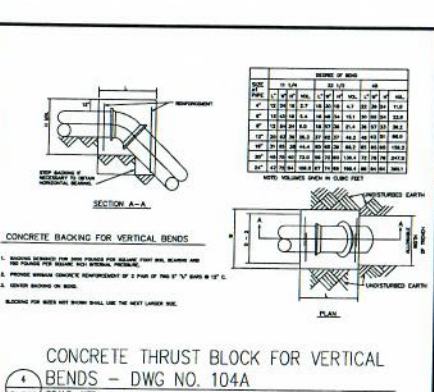
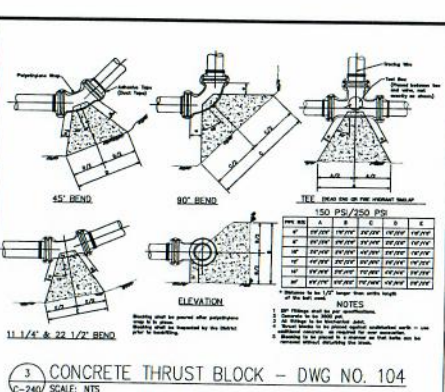
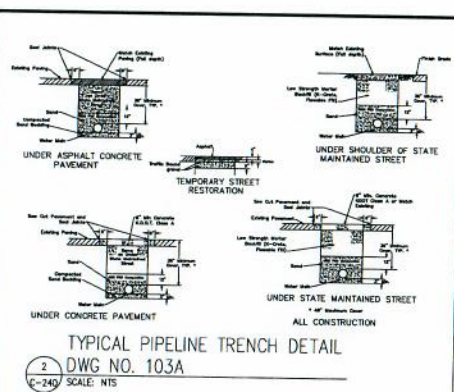
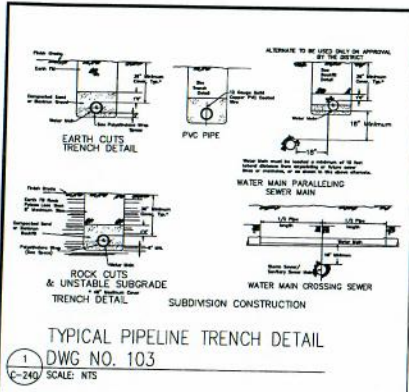
CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018-0640

DRAWN BY: KCH
CHECKED BY: -
PROJECT MANAGER: KCH

PROJECT NO. 23-001
SCALE AS NOTED
DATE 1-11-23

WATER DETAILS

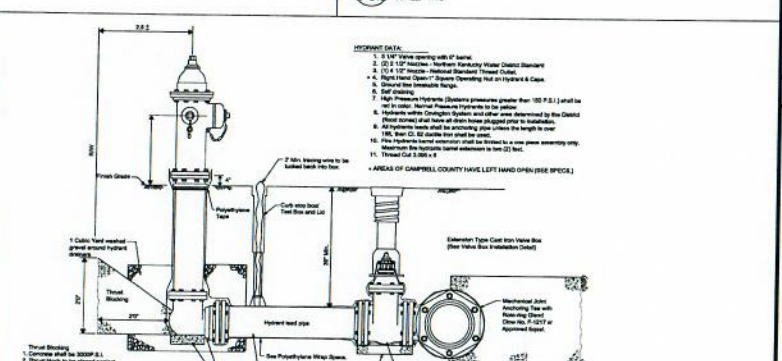
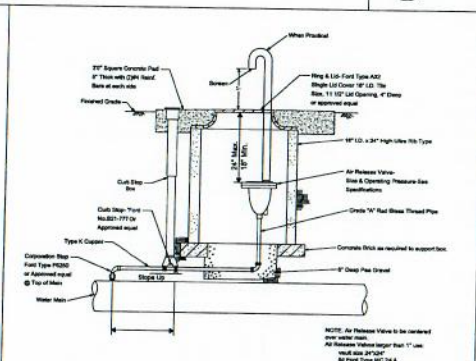
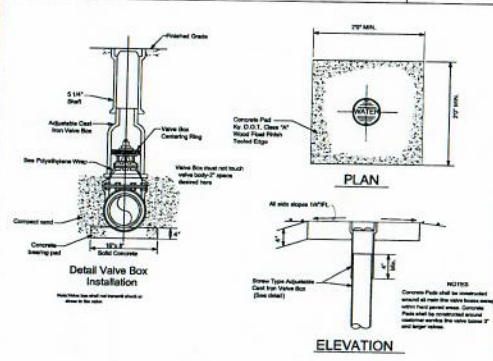
SHEET C-200



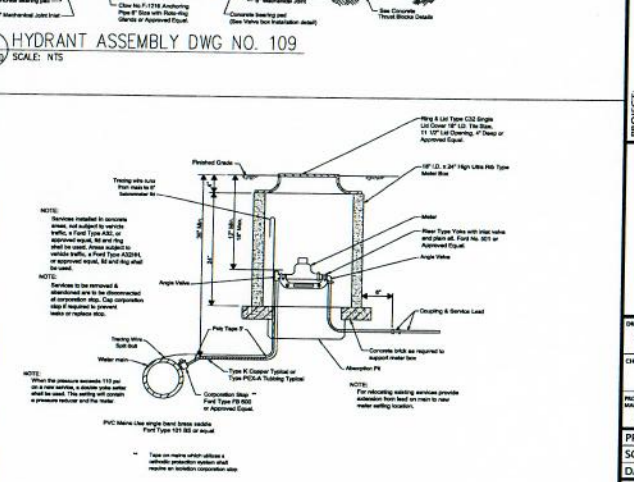
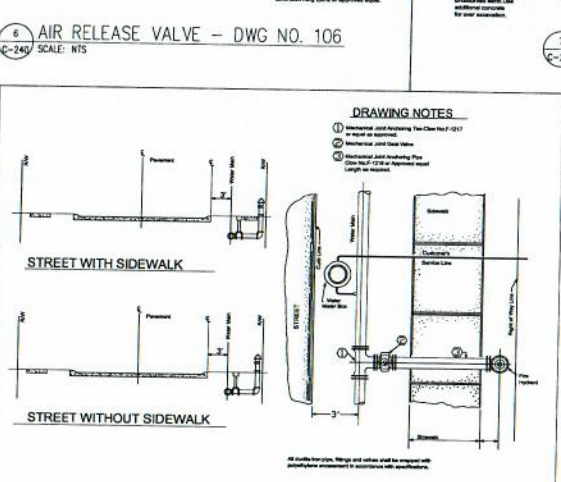
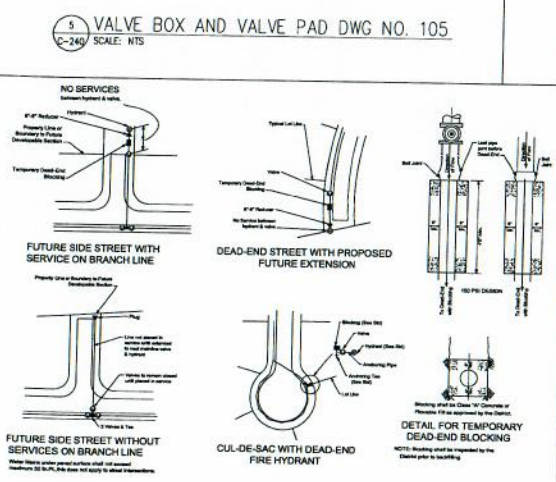
REVISIONS	DATE	ITEM

CARDINAL
ENGINEERING
LAND SURVEYING
ONE SHOOK ROAD
MURKIN, KENTUCKY 40351
PHONE: 502.581.9800
FAX: 502.581.9838

WEBSITE: <http://www.cardinalengineering.net>



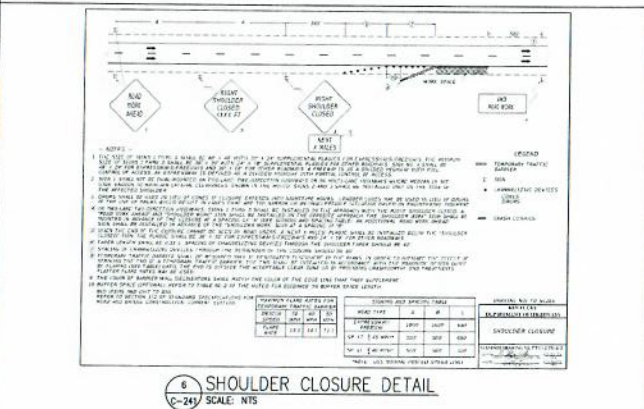
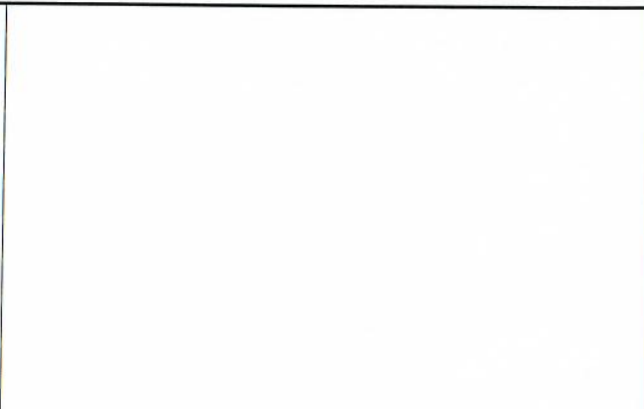
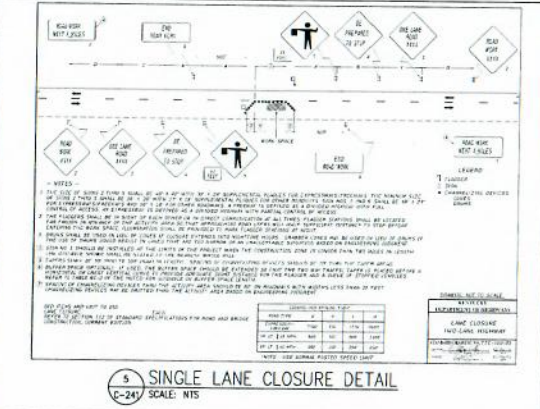
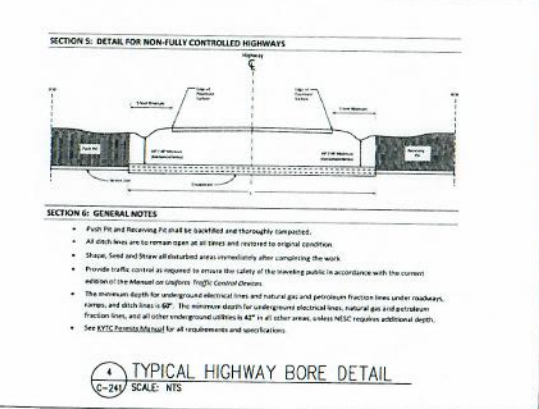
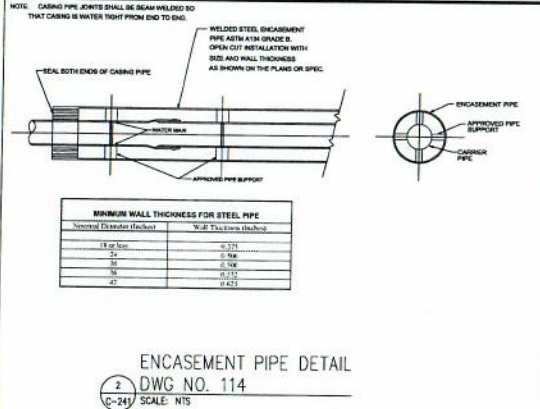
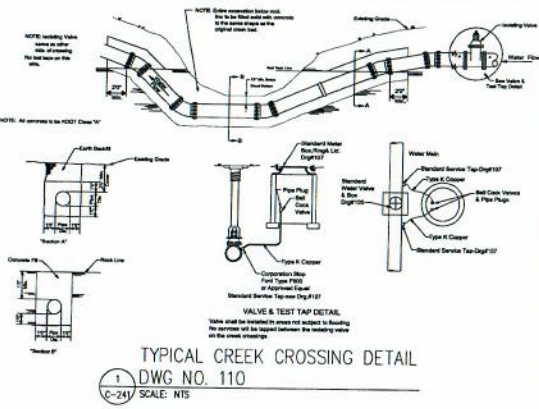
PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION
CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018-0640



DESIGN BY	KGH	SEAL
CHECKED BY		
PROJECT MANAGER	KGH	

PROJECT NO. 23-001
SCALE AS NOTED
DATE 1-11-23

WATER DETAILS
SHEET C-240



REVISIONS
DATE # ITEM

CARDINAL
ENGINEERING
LAND SURVEYING
6146 MOORE ROAD
WALK, KENTUCKY 40391
PHONE: (502) 581-9300
FAX: (502) 581-9333

WEBSITE: <http://www.cardinalengineering.com>

PROJECT: WATER MAIN PLAN
SUB DISTRICT H8 WATER MAIN EXTENSION

CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018-0640

DRAWN BY: KGH
CHECKED BY: -
PROJECT MANAGER: KGH

PROJECT NO. 23-001
SCALE: AS NOTED
DATE: 1-11-23
WATER DETAILS
SHEET: C-241

Kevin Hanson

From: Jeannine Kreinbrink <kreinbrinkjmo@gmail.com>
Sent: Tuesday, October 17, 2023 8:53 AM
To: Kevin Hanson
Cc: Lee Otte; Hillary Maigret; Doug VonStrohe
Subject: Re: FW: *EXTERNAL* 23-001 NKWD SUB DISTRICT HB STATUS

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all, our reports are always submitted first to the reviewing agency who then sends the document on to the Kentucky Heritage Council (KHC) if necessary. For example, Lee and Hillary will submit our report with the permit application for any project going to the Corps of Engineers. After the Corps review, the Corps will submit the report to the KHC for review.

I found the following information on the Kentucky Heritage Council website regarding the Kentucky Clearinghouse:

The Kentucky State Clearinghouse, or eClearinghouse, is a single point of contact created by the Kentucky Department for Local Government for multiple agencies that might be required to comment on a federal project. The information available to reviewers through the eClearinghouse does not usually reflect the full range of information an applicant may have submitted in a funding application, often resulting in additional requests for information. As a result, the Kentucky Heritage Council does not currently participate in eClearinghouse. Those who try to submit projects for review through this portal will receive an automatic response directing applicants to submit a project via hard copy using the KHC cover sheet as described above.

For projects conducted that do not require federal oversight, reports do not get submitted to the Kentucky Heritage Council for review unless a specific state level agency requires it as part of their due diligence, project check lists etc. That agency would then either submit the report directly to the KHC themselves or provide direction for the applicant to submit to the KHC.

Sorry for the delay in replying, hope this helps.
Jeannine

Jeannine Kreinbrink, MA, RPA
President and Senior Archaeologist
K & V Cultural Resources Management, LLC
11283 Big Bone Road
Union, Kentucky 41091
859 760-5271
kreinbrinkjmo@gmail.com



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

LINDY CASEBIER
SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC PRESERVATION OFFICER

December 6, 2023

Jeannine Kreinbrink
K & V Cultural Resources Mgmt. LLC
11283 Big Bone Rd.
Union, KY 41091

Re: Pond Creek Rd. Water Line project, Campbell Co., KY

Dear Ms. Kreinbrink:

Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require cultural resource survey. We would concur with a finding of *No Historic Properties Affected*.

In the unlikely event that human remains are found during construction for this project, work should cease immediately, and the county coroner and the Kentucky Heritage Council should be contacted. Should project plans change or there be any future concerns or questions regarding cultural resources in the vicinity of this project area, please do not hesitate to contact Nicole Konkol via email at nicole.konkol@ky.gov.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP:nk KHC #233518

OTTE ENTERPRISES



505 STEVENSON ROAD
ERLANGER, KENTUCKY 41018-2437

e-mail: leeotte@gmail.com
cell: 859-653-7087

resource management - ecological restoration - regulatory compliance - geological services - environmental consulting

September 19, 2023

Mr. Kyle Ryan
Staff Engineer

Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, KY 41018-0640

**SUBJECT: Due Diligence Requirements
Northern Kentucky Water District
Sub-District HB Water Main Extension Project
Pond Creek Road
Campbell County, Kentucky**

Dear Mr. Ryan:

On behalf of the Northern Kentucky Water District, Cardinal Engineers, of Wilder, Kentucky, has requested that Otte Enterprises review the final design plan set for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, as provided by Cardinal Engineering, to determine the due diligence required for each water line extension, relative to potential streams and/or wetland impacts and the associated permitting requirements. Otte Enterprises has evaluated each of these individual water lines. This letter presents what Otte Enterprises believes are the due diligence requirements for the proposed water line extension along Pond Creek Road in unincorporated Campbell County, Kentucky.

Stream and wetland impacts associated with utility line projects, such as underground water lines, typically are permitted by way of one or both of the following permits/certifications:

- Section 404 Nationwide Permit (NWP) #58 from the U.S. Army Corps of Engineers
- Section 401 Water Quality Certification (WQC) from the Water Quality Branch of the Kentucky Division of Water (KDOW)

The Pond Creek Road water line will extend along Pond Creek Road for about 1,784 linear ft, with about 1,300 ft of the proposed water line located on the east side of Pond Creek Road, and about 484 ft of the proposed water line located along the west side of Pond Creek Road. Pond Creek Road runs from north to south in the Licking River valley. The properties along this portion of Pond Creek Road consist of mowed grassy residential lawns and cleared and maintained, but undeveloped fields.

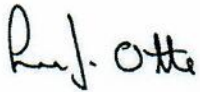
Otte Enterprises walked and/or drove the entire length of the proposed water line, to evaluate the right-of-way for the presence of any streams or wetlands that may be impacted by the construction of the water line. **Otte Enterprises observed no streams or wetlands within or adjacent to the proposed water line right-of-way, such that the proposed water line along Pond Creek Road for the Northern Kentucky Water District's Sub District HB Water Main Extension Project will not require a Section 404 NWP #58 from the Corps of Engineers or a Section 401 WQC from the KDOW.**

It is Otte Enterprises opinion that the Northern Kentucky Water District can proceed with the construction of the proposed water line along Pond Creek Road for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, without submitting any notification to either the Corps of Engineers relative to the need for a Section 404 NWP #58, or to the KDOW relative to the need for a Section 401 Water Quality Certification.

Please note that other notifications and/or permits from the Kentucky Division of Water may be required for this project, such as a Notice of Intent for the Kentucky Pollutant Discharge Elimination System Permit for Stormwater Discharges Associated with Construction Activities.

Please let us know if you have any questions about the information presented in this letter.

Respectfully submitted,



Lee J. Otte, Ph.D., C.P.G.
Senior Consultant

cc: Mr. Kevin Hanson, Cardinal Engineering
Mr. Matt Bogen, Cardinal Engineering

POPLAR THICKET PERMITS



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 Sower Boulevard
Frankfort, Kentucky 40601
Phone: (502) 564-2150
Fax: 502-564-4245

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

STREAM CONSTRUCTION PERMIT
For Construction In Or Along A Stream

Issued to: **Northern KY Water District**
Address: **2835 Cresent Springs Rd**
Erlanger, KY 41018
Permit No.: **33711**

Permit effective date: **September 15, 2023**
Permit expires on: **September 15, 2024**

Agency Interest: **2485**
Activity ID: **APE20230017**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated **September 11, 2023** for **Installation of 4943 LF water lines along Poplar Thicket Rd, which includes one perennial stream and two intermittent streams, in the floodplain of Scaffold Creek, with coordinates 38.958363, -84.421546, in Campbell 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) by submitting the attached Final Development Report, Permit Extension, Modification or Termination Form **prior** to your current permit expiration date. When your project is completed, you are required to notify the Division by submitting the same form and any required documents per your permit. The form may be emailed to: DOWFloodplain@ky.gov.

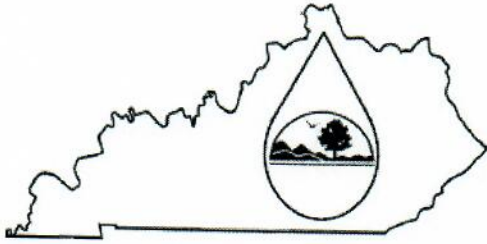
Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions concerning this letter or other floodplain management requirements, please contact the Division of Water's Floodplain Management Section at (502) 564-3410 or by email at DOWFloodplain@ky.gov.

Sincerely,

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

Florence Regional Office
Lee Otte, agent
Kevin Hanson, PE, Engineer
Cindy Minter C.F.M - Campbell County Floodplain Coordinator, cminter@campbellcountky.gov
File



Commonwealth of Kentucky
Energy and Environment Cabinet
Division of Water

**Final Development Report, Permit
Extension, Modification or Termination
Form**

Name/Corporation Name: Northern KY Water District

Email Address: _____

Agency Interest #: 2485

Permit #: 33711

SELECT THE APPROPRIATE PERMITTING ACTION REQUIRED BELOW

FINAL DEVELOPMENT REPORT FORM

Submit within 90 days after completion of construction

All work on this project has been completed according to the plans and specifications as permitted by the Division of Water.

- Photographs of completed development (required)
- As Built drawings, if required by permit conditions
- Elevation Certificate, if required by permit conditions
- Floodproofing Certificate, if required by permit conditions
- Fill Compaction Tests, if required by permit conditions

PERMIT EXTENSION REQUEST FORM

Submit at least 30 days prior to permit expiration

Permit Extension is requested, the project plans have not changed

Construction began on (date) _____

Construction has not started, will begin on (date) _____

PERMIT TERMINATION FORM

The permitted project was not started and will not be completed

PERMIT MODIFICATION FORM

Provide detailed description of changes to the project on the following page, include maps and drawings as required.

Signature (Required): _____

Email this completed form to DOWFloodplain@ky.gov
or mail to DOW Floodplain Management, 300 Sower Blvd, Frankfort KY 40601

Stream Construction Permit

Northern KY Water District

Facility Requirements

Permit Number: 2485

Activity ID No.:APE20230017

Page 1 of 3

STRC0000000018 (AI: 2485 - water line) Installation of 2786 LF water line along Blangey Road and stream crossing of one perennial stream and two intermittent streams in the floodplain of Ohio River and Three Mile Creek, with general coordinates of 38.958363, -84.421546, near Highland Heights in Campbell County.:

Submittal/Action Requirements:

Condition No.	Condition
S-1	The Permittee or project engineer shall submit final construction report within 90 days after completion of construction. The Permittee or project engineer shall certify in writing that the project was completed in accordance with the approved plans and specifications. A Final Construction Report Form is enclosed. [401 KAR 4:060 Section 3(6)]

Narrative Requirements:

Condition No.	Condition
T-1	The Permittee, Northern KY Water District, is responsible for compliance with the following permit conditions and all Federal, State and Local regulations applicable to this project. [KRS 151.250]
T-2	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-3	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 Permittee is liable for any damage resulting from the construction, operation, or maintenance of this project. This permit was 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-4	A copy of this permit shall be available at the construction site. [KRS 151.250]. [KRS 151.250]
T-5	The Permittee shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, as may be required. [Clean Water Act Section 404 and River & Harbor Act of 1899]. [Clean Water Act Section 404 and River & Harbor Act of 1899]
T-6	Any work performed by or for the Permittee 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]

Stream Construction Permit

Northern KY Water District

Facility Requirements

Permit Number: 2485

Activity ID No.:APE20230017

Page 2 of 3

STRC0000000018 (AI: 2485 - water line) Installation of 2786 LF water line along Blangey Road and stream crossing of one perennial stream and two intermittent streams in the floodplain of Ohio River and Three Mile Creek, with general coordinates of 38.958363, -84.421546, near Highland Heights in Campbell County.:

Narrative Requirements:

Condition No.	Condition
T-7	Any design changes or amendments to the approved plans shall be submitted to the Division of Water and approved in writing prior to implementation. [KRS 151.250]
T-8	Since your community participates in the National Flood Insurance Program, a local floodplain permit shall be obtained prior to beginning of construction. Upon completion of construction the Permittee shall 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)]
T-9	Areas disturbed by the boring equipment in the regulatory floodplain, on both banks shall be restored to its approximate original ground surface level. [401 KAR 4:060]
T-10	To prevent collapse of the stream bed, sufficient cover shall be maintained between the channel bottom and the bore hole tunnel. [401 KAR 4:060]
T-11	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-12	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-13	All debris and excess material shall be removed for disposal outside of the base floodplain. [401 KAR 4:060]
T-14	Upon completion of construction all disturbed areas shall be seeded and mulched or otherwise stabilized to prevent erosion. [401 KAR 4:060]
T-15	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-16	Construction other than as authorized by this permit shall require written approval from the Division of Water. [401 KAR 4:060]
T-17	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]

Stream Construction Permit

Northern KY Water District

Facility Requirements

Permit Number: 2485

Activity ID No.:APE20230017

STRC0000000018 (AI: 2485 - water line) Installation of 2786 LF water line along Blangey Road and stream crossing of one perennial stream and two intermittent streams in the floodplain of Ohio River and Three Mile Creek, with general coordinates of 38.958363, -84.421546, near Highland Heights in Campbell County.:

Narrative Requirements:

Condition No.	Condition
T-18	The Sub-fluvial crossing shall meet the following criteria whichever is applicable: (1) During the construction of the crossing, no material may be placed in the stream or in the flood plain of the stream to form construction pads, coffer dams, access roads, etc., unless prior approval has been obtained from the cabinet. (2) The trench shall be backfilled as closely as possible to the original contour. All excess material from construction of the trench shall be disposed of outside of the flood plain unless the Permittee has received prior approval from the cabinet to fill within the flood plain. (3) For subfluvial crossings of erodible channels, there shall be at least thirty (30) inches clear to the top of the pipe or conduit at all points. (4) For subfluvial crossings of nonerodible channels, there shall be at least six (6) inches of clear cover above the top of the pipe or conduit at all points, and the pipe or conduit shall be encased on all sides by at least six (6) inches of concrete. (5) The weight of a pipe and its contents during normal operating conditions at all points shall exceed that of an equal volume of water, or the Permittee shall provide the division with sufficient information to show that the pipe and joints have sufficient strength. [401 KAR 4:050 Section 2]
T-19	The Permittee shall obtain a Water Quality Certification or a determination that none is required through the Division of Water, Water Quality Section prior to commencement of construction. Contact the Water Quality Certification Supervisor at 401WQC@ky.gov or (502) 564-3410. [KRS 224.16-050 & Clean Water Act Section 401]

NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

PERMITTEE

Name: Northern Kentucky Water District
Contact Person:
Address: 2835 Crescent Springs Road
City: Erlanger
State: Kentucky
Zip: 41018
Telephone:

PROJECT IDENTIFICATION

Permit Number: 06-2023-00693

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right-of-way restoration have been completed and are ready for final inspection.

Permittee

Please return this form to the address below when work is completed and ready for final inspection.

Please Return to: Permit Engineer
Department of Highways, District 6 Office
421 Buttermilk Pike
Covington, Kentucky 41017
(859) 341-2700
www.transportation.ky.gov/

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 8" ductile iron water main crossing for extension of new main onto Poplar Thicket Rd.	Campbell - KY 915	38.958464	-84.421570

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693



Andy Beshear
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Department of Highways, District 6 Office
421 Buttermilk Pike
Covington, Kentucky 41017
(859) 341-2700
www.transportation.ky.gov/

Jim Gray
Secretary

August 1, 2023

Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, Kentucky 41018

Subject: Permit #: 06-2023-00693
Permit Type: Utilities - Water
Approval

Dear Applicant:

Attached is your permit approval and documentation for the subject permit.

Be advised that all work must be done in conformity with permit and application conditions. If you have any questions, please contact the Permits Section at this office.

Sincerely,

Linzy Brefeld
D6 Permits Supervisor

Attachments



An Equal Opportunity Employer M/F/D

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693



Kentucky Transportation Cabinet
 Department of Highways
 Division of Maintenance
 Permits Branch

ENCROACHMENT PERMIT

KYTC KEPT #: 06-2023-00693

Permittee: Northern Kentucky Water District

Permit Type / Subtype: Utilities / Water

Work Completion Date: 7/25/2024

INDEMNITIES		
Type	Amount Required	Tracking Number
Performance Bond	\$0.00	
Cash / Check	\$0.00	
Self-Insured	\$0.00	
Payment Bond	\$0.00	
Liability Insurance	\$0.00	

This permit has been: **APPROVED** **DENIED**

Linzy Brefeld D6 Permits Supervisor 8/1/2023

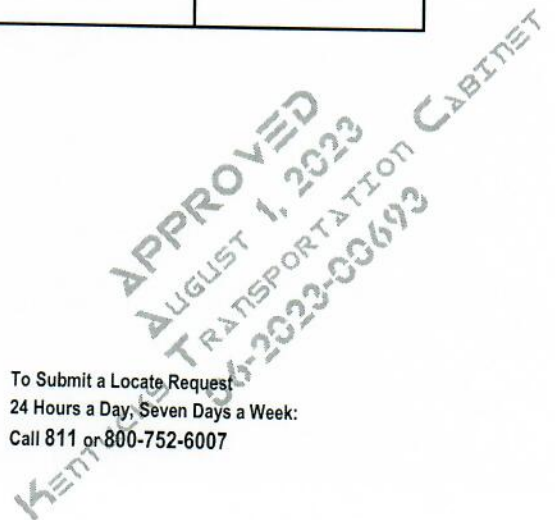
SIGNATURE TITLE DATE

The TC 99-1(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 8" ductile iron water main crossing for extension of new main onto Poplar Thicket Rd.	Campbell - KY 915	38.958464	-84.421570



To Submit a Locate Request
 24 Hours a Day, Seven Days a Week:
 Call 811 or 800-752-6007





APPLICATION FOR ENCROACHMENT PERMIT

KYTC KEPT #: T06-2023-00693

SECTION 1: APPLICANT CONTACT INFORMATION

APPLICANT Northern Kentucky Water District	ADDRESS 2835 Crescent Springs Pike		
EMAIL	CITY Erlanger	STATE KY	ZIP 41018
CONTACT NAME 1 Kyle Ryan, PE	EMAIL KRyan@nkywater.org	PHONE # 859-426-2713	
		CELL #	
CONTACT NAME 2 (if applicable) Matt Bogen, PE	EMAIL mbogen@cardinalengineering.net	PHONE # 859-392-3673	
		CELL #	

SECTION 2: PROPOSED WORK LOCATION

ADDRESS Licking Pike @ Poplar Thicket Rd.	CITY Unincorporated	STATE Kentucky	ZIP 41001
COUNTY Campbell	ROUTE # KY 915	MILE POINT 3.67	LONGITUDE (X) -84.421537
LATITUDE (Y) 38.958437			

ADDITIONAL LOCATION INFORMATION:

FOR KYTC USE ONLY

PERMIT TYPE: Air Right Entrance Utilities Vegetation Removal Other: _____

ACCESS: Full Partial by Permit **LOCATION:** Left Right Crossing

SECTION 3: GENERAL DESCRIPTION OF WORK

Install 8" ductile iron water main crossing for extension of new main onto Poplar Thicket Rd. Applicant requests permission to open cut KY 915 crossing due to geotechnical concerns and lack of space for bore & jack pits. Trench shall be restored to KYTC standards.

THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.

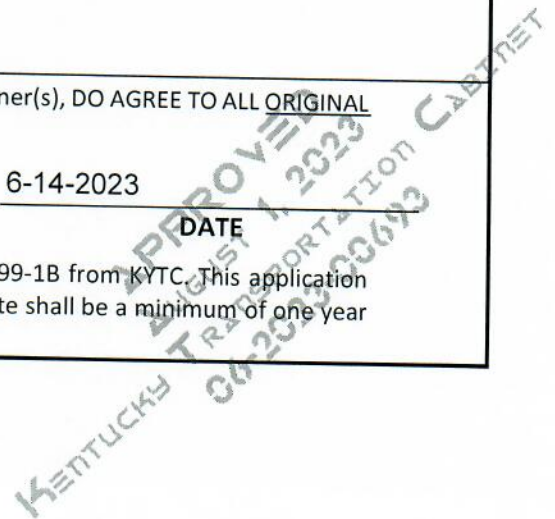
Steve Broering

SIGNATURE

6-14-2023

DATE

This is not a permit unless and until the applicant(s) receives an approved TC 99-1B from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.



**APPLICATION FOR ENCROACHMENT PERMIT****TERMS AND CONDITIONS**

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
 - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
 - B. **PAYMENT BOND:** At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
 - C. **LIABILITY INSURANCE:** Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
 - D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



APPLICATION FOR ENCROACHMENT PERMIT

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, "I (we), _____, hereby consent to the granting of the permit requested by the applicant along Route _____, which permit does affect frontage rights along my (our) adjacent real property." By signature(s) _____, subscribed and sworn by _____, on this date _____.
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.
16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693



APPLICATION FOR ENCROACHMENT PERMIT

- 17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
- 18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
- 19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
- 20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
- 21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.
- 22. The undersigned Utility acknowledges ownership and control of the facilities proposed to be installed, modified, or extended by the Applicant/Permittee and agrees to be bound by the requirements and terms of this application and all related documents making up the approved permit, by the Department's Permits Guidance Manual, and by all applicable regulations and statutes in effect on the date of issuance of the permit. This information and application is certified correct to the best knowledge and belief of the undersigned Utility.

Northern Kentucky Water District

UTILITY

Steve Broering

NAME (Utility Representative)

Steve Broering

SIGNATURE (Utility Representative)

Engineering Technician

TITLE (Utility Representative)

6-14-2023

DATE



Know what's below. Call before you dig.

To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007

APPROVED
JAN 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-20-2023 09:30:00

REVISIONS	DATE	ITEM



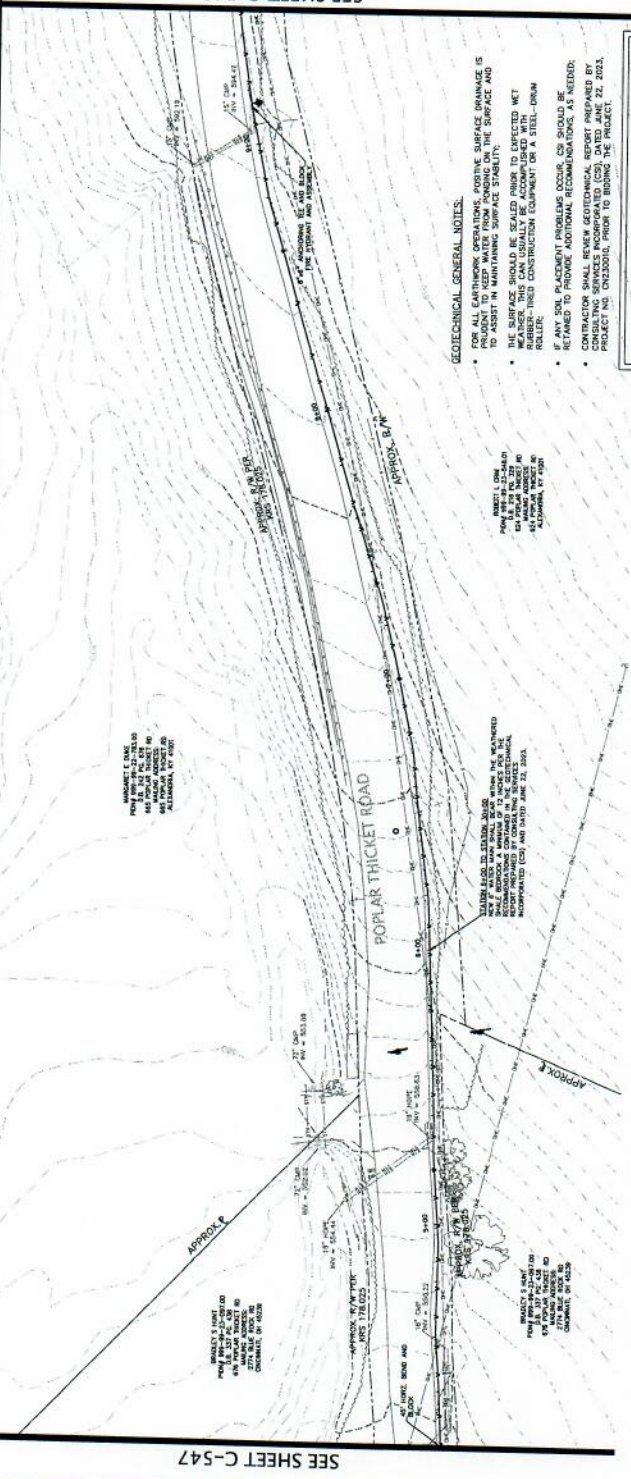
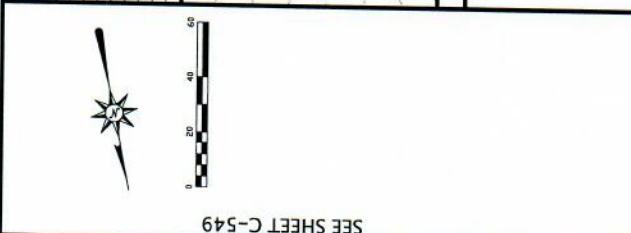
CARDINAL
ENGINEERING
LAND SURVEYING
ONE AMERICAN ROAD
NORTON, KY 40355
PHONE: (502) 341-1800
FAX: (502) 341-1800

PROJECT: WATER MAIN PLAN
SUB-DISTRICT HB WATER MAIN EXTENSION

CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANGER, KY 41018-0640

PROJECT NO. 23-001
SCALE AS NOTED
DATE 01-11-23
PLAN & PROFILE

SHEET C-548

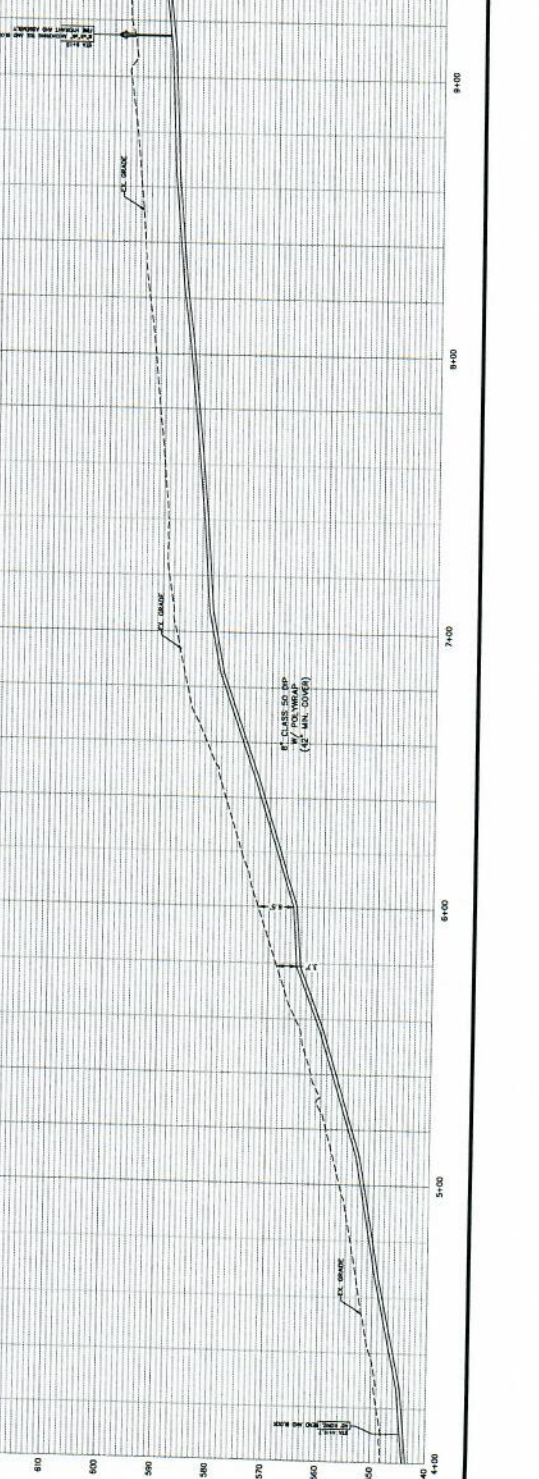


GEOTECHNICAL GENERAL NOTES:

- FOR ALL EARTHWORK OPERATIONS, POSITIVE SURFACE DRAINAGE IS TO BE MAINTAINED TO PREVENT WATER FROM ACCUMULATING ON THE SURFACE AND TO ASSIST IN MAINTAINING SURFACE STABILITY.
- THE SURFACE SHOULD BE SEALED PRIOR TO EXPECTED WET WEATHER. THE SEALING SHOULD BE ACCOMPLISHED WITH RUBBER-TIRED CONSTRUCTION EQUIPMENT OR A STEEL-TIRED ROLLER.
- IF ANY SOIL PLACEMENT PROBLEMS OCCUR, CS SHOULD BE RETURNED TO PROVIDE ADDITIONAL RECOMMENDATIONS, AS NEEDED.
- CONTRACTOR SHALL REVIEW GEOTECHNICAL REPORT PREPARED BY PROJECT NO. CH230004, PRIOR TO BEGINNING THE PROJECT.

MISC. WATER MAIN CONSTRUCTION NOTE:

- THE COST FOR TESTING THE WATER MAIN THROUGHOUT USING DEVICES, TEMPORARY PIPES AND BLOCKS BE INCIDENTALS TO THE PROJECT.



SEE SHEET C-547

SEE SHEET C-549

APPROVED
August 11, 2023
AT 10:00 AM
PROJECT NO. 23-001

REVISIONS	DATE	BY	ITEM

CARDINAL
ENGINEERING
AND SURVEYING
2835 CRESCENT SPRINGS ROAD
NORTHERN KENTUCKY WATER DISTRICT
ERLANGER, KY 41018-0640
PHONE: 859.511.1834
FAX: 859.511.1834
WWW: WWW.CARDINALKY.COM

PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION

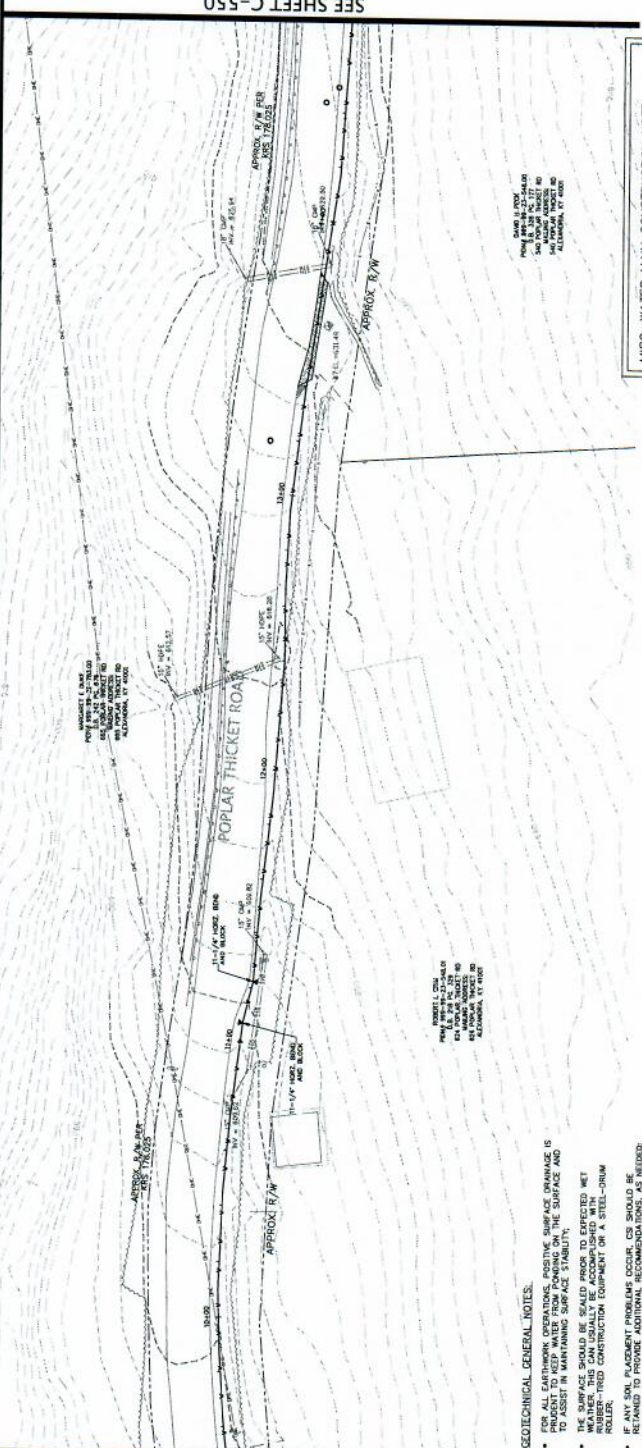
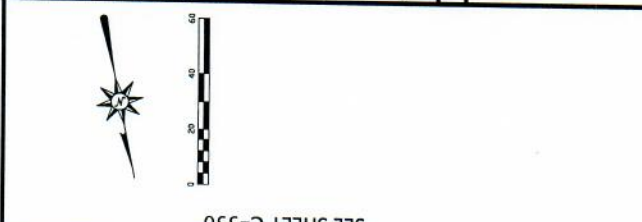
CLIENT: NORTHERN KENTUCKY WATER DISTRICT
P.O. BOX 18640
2835 CRESCENT SPRINGS ROAD
ERLANGER, KY 41018-0640

DATE: 01-11-23
SCALE: AS NOTED
PROJECT NO. 23-001
PLAN & PROFILE

APPROVED
TRAVERSE
AUGUST 2023
000073

KENTUCKY TRANSPORTATION CABINET

SHEET C-549



SEE SHEET C-548

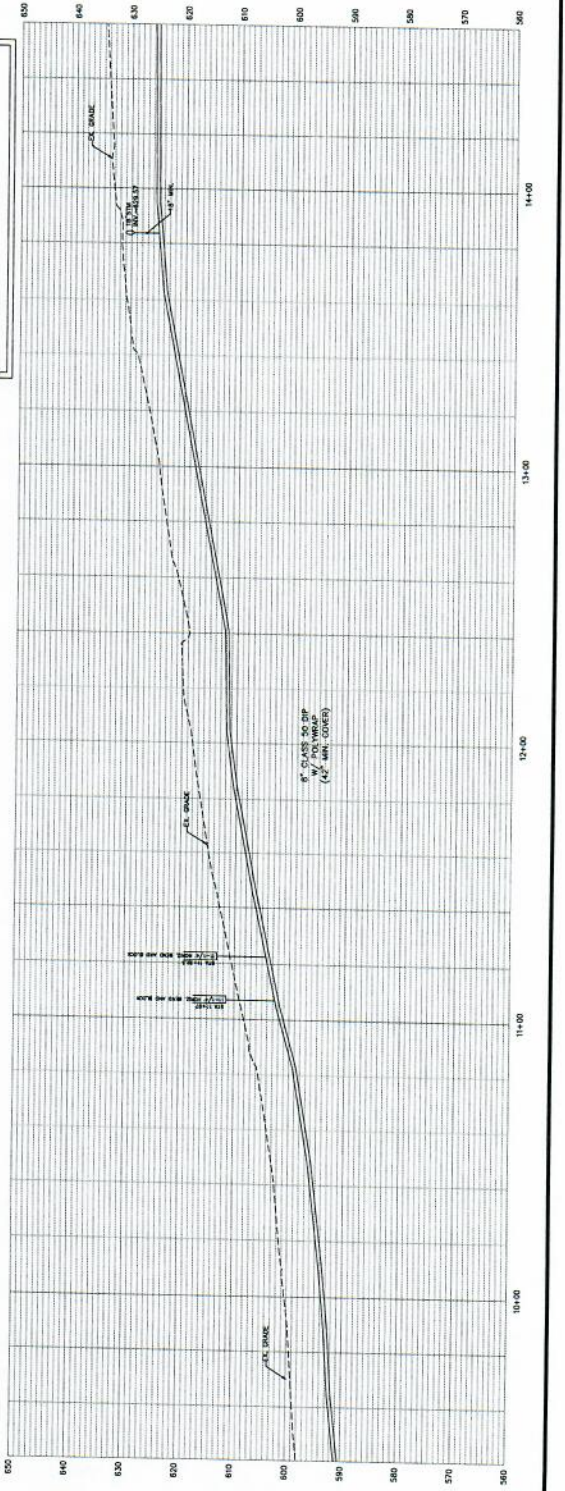
SEE SHEET C-550

GEO TECHNICAL GENERAL NOTES:

- FOR ALL EARTHWORK OPERATIONS, MAINTAINING SURFACE DRAINAGE IS ESSENTIAL TO PREVENT EROSION AND TO ASSIST IN MAINTAINING SURFACE STABILITY.
- ALL SURFACE SHOULD BE SCALED PRIOR TO EXPECTED WET WEATHER.
- RUBBER-TIRED CONSTRUCTION EQUIPMENT OR A STEEL-DRUM ROLLER.
- CONTRACTOR SHALL REVIEW GEO TECHNICAL REPORT PREPARED BY CONSULTING SERVICES INCORPORATED (CSI), DATED JUNE 22, 2023, PROJECT NO. CH23010, PRIOR TO BIDDING THE PROJECT.

MISC. WATER MAIN CONSTRUCTION NOTE:

1. THE COST FOR TESTING THE WATER MAIN, TEMPORARY FLUSHING AND TEMPORARY PLUGS AND BLOCKS BE INCIDENTAL TO THE PROJECT.



REVISIONS	DATE	ITEM



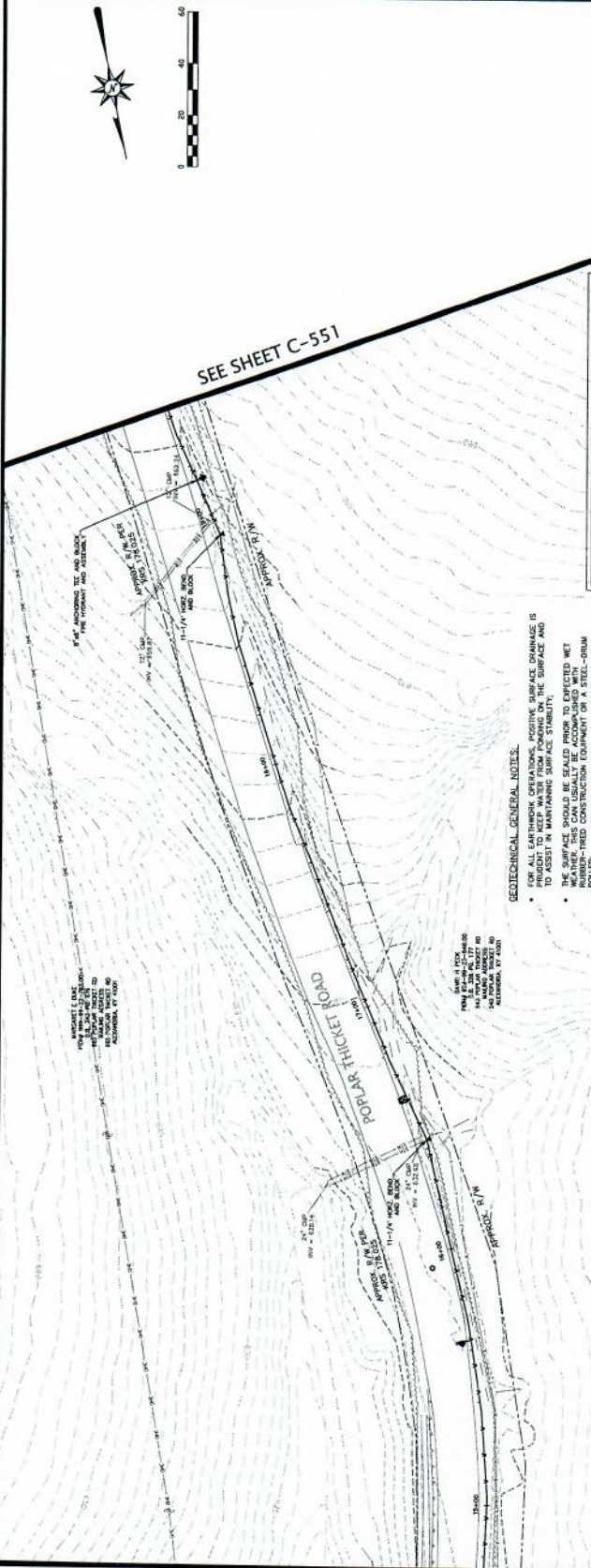
CARDINAL
ENGINEERING
LAND SURVEYING
ONE HUNTER ROAD,
NORTON, KY 40355
PHONE: 502-331-1800
FAX: 502-331-1808

PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION

CLIENTS:
NORTHERN KENTUCKY WATER DISTRICT
P.O. BOX 18640
2835 CRESCENT SPRINGS ROAD
ERLANGER, KY 41018-0640

PROJECT NO. 23-001
SCALE AS NOTED
DATE 01-11-23
PLAN & PROFILE

SHEET C-550



SEE SHEET C-549

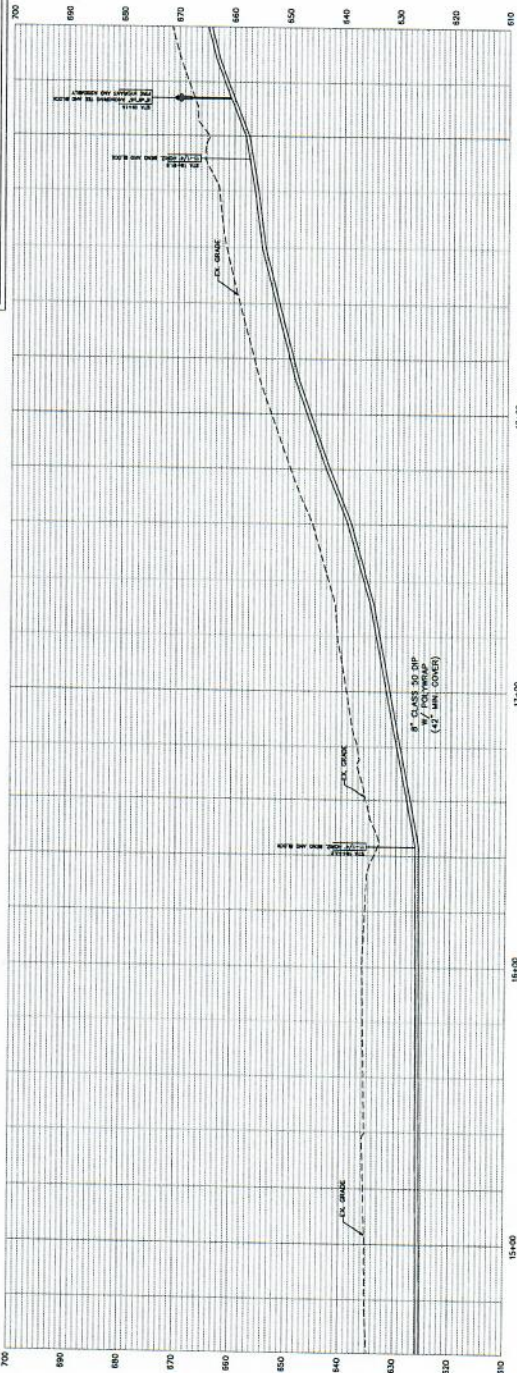
SEE SHEET C-551

GEOTECHNICAL GENERAL NOTES.

- FOR ALL EARTHWORK OPERATIONS, POSITIVE SURFACE DRAINAGE IS PRESENT TO KEEP WATER FROM PONDING ON THE SURFACE AND TO ASSIST IN MAINTAINING SURFACE STABILITY.
- ALL EARTHWORK SHALL BE CONSTRUCTED TO MAINTAIN A MINIMUM 1% GRADE FOR DRAINAGE.
- NUMBER-TREE CONSTRUCTION EQUIPMENT OR A STEEL-DRUM SHALL BE USED TO PREPARE THE SUBGRADE PRIOR TO CONSTRUCTION.
- IF ANY UNUSUAL GEOTECHNICAL PROBLEMS ARE ENCOUNTERED BY THE CONTRACTOR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
- CONTRACTOR SHALL REVIEW GEOTECHNICAL REPORT PREPARED BY CONSULTING SERVICES INCORPORATED (CSI), DATED JUNE 22, 2023, PROJECT NO. 02030010, PRIOR TO BEGINNING THE PROJECT.

MISC. WATER MAIN CONSTRUCTION NOTE.

- BEFORE TESTING THE WATER MAIN, TEMPORARY FLUSHING SHALL BE PERFORMED TO REMOVE DEBRIS AND BLOODS BEING INTRODUCED TO THE PROJECT.



APPROVED
August 11, 2023
PROJECT NO. 23-001
C-550

REVISIONS	DATE	ITEM

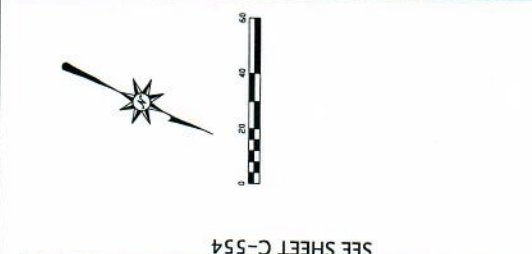


CARDINAL
ENGINEERING
LAND SURVEYING
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
NORTHERN KENTUCKY WATER DISTRICT
ERLANCER, KY 41018-0640
PHONE: (502) 991-4400
FAX: (502) 991-4400

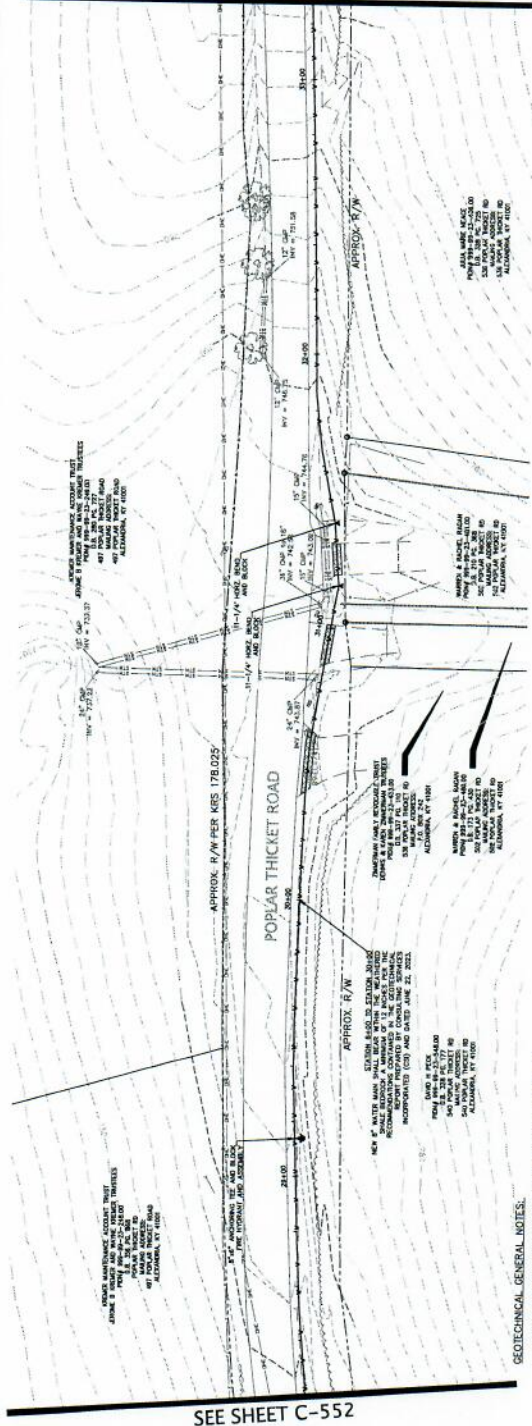
PROJECT: WATER MAIN PLAN
SUB DISTRICT HB WATER MAIN EXTENSION
CLIENT: NORTHERN KENTUCKY WATER DISTRICT
2835 CRESCENT SPRINGS ROAD
P.O. BOX 18640
ERLANCER, KY 41018-0640

PROJECT NO. 23-001
SCALE AS NOTED
DATE 01-11-23
PLAN & PROFILE

SHEET C-553



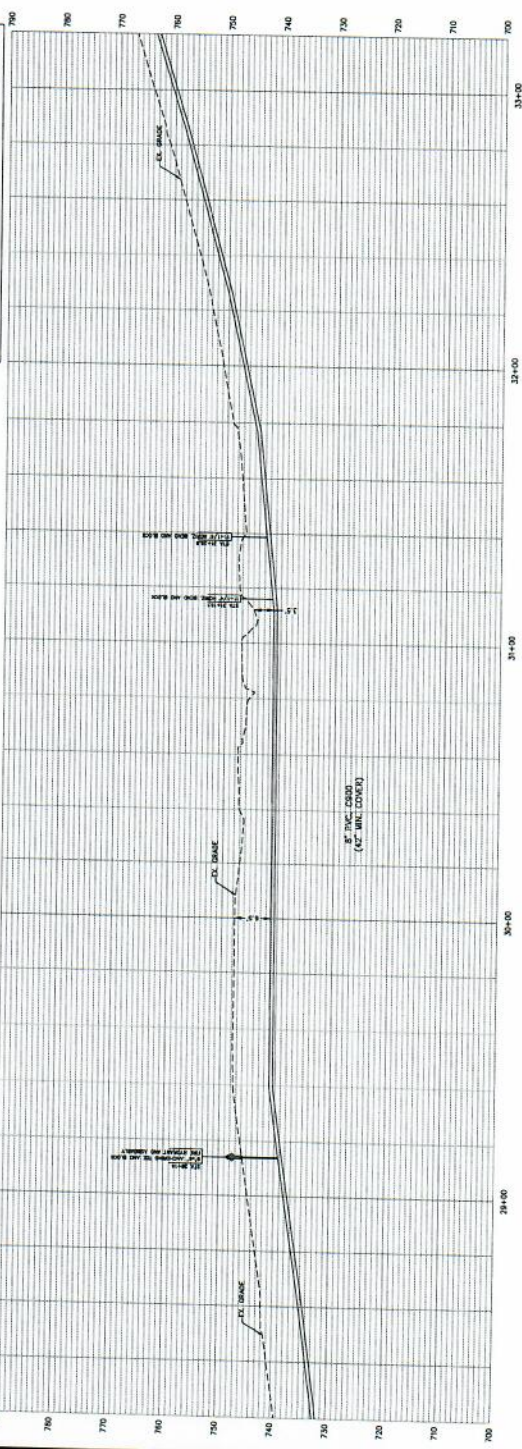
SEE SHEET C-554



GEOTECHNICAL NOTES:

- IF ANY SOIL PLACEMENT PROBLEMS OCCUR, CS SHOULD BE CONSULTED TO PROVIDE ADDITIONAL RECOMMENDATIONS, AS NECESSARY.
- THE SURFACE SHOULD BE SEALED PRIOR TO EXPECTED WET WEATHER CONDITIONS TO PREVENT FLOODING AND TO MAINTAIN PROPER DRAINAGE.
- THE SURFACE SHOULD BE SEALED PRIOR TO EXPECTED WET WEATHER CONDITIONS TO PREVENT FLOODING AND TO MAINTAIN PROPER DRAINAGE.
- THE SURFACE SHOULD BE SEALED PRIOR TO EXPECTED WET WEATHER CONDITIONS TO PREVENT FLOODING AND TO MAINTAIN PROPER DRAINAGE.

MISC. WATER MAIN CONSTRUCTION NOTE
1. THE COST FOR TESTING THE WATER MAIN, TEMPORARY FLUSHING DEVICES, TEMPORARY PLUGS AND BLOCKS BE INCIDENTAL TO THE PROJECT.



APPROVED FOR TRANSMISSION
AUGUST 13, 2023
CABINET



**KYTC Division of Maintenance
Permits Branch
District 6**



ENCROACHMENT PERMIT GENERAL NOTES & SPECIFICATIONS

YOU MUST NOTIFY KYTC BEFORE BEGINNING ANY WORK IN THE RIGHT-OF-WAY. *Failure to alert KYTC of working within the right of way may result in permit revocation.*

Two ways to notify KYTC of your construction start date:

By Email: KYTCD6PERMITS@KY.GOV

**must include permit number and county in subject line*

By Phone: 859-341-2700

**must know permit number and county when calling*

YOU MUST ALSO NOTIFY KYTC UPON COMPLETION OF WORK WITHIN RIGHT-OF-WAY. *Failure to alert KYTC of completion of work may result in withholding release of any associated bonds.*

Kentucky
UNBRIDLED SPIRIT™

APPROVED
AUGUST 1, 2022
KENTUCKY TRANSPORTATION CABINET
06-2022-00693

I. SAFETY

A. General Provisions

- All signs and control of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, Part VI, and safety requirements shall comply with the Permits Manual. Federal law requires that traffic control shall be implemented in accordance with MUTCD standards and KYTC's Standard Specifications for Road and Bridge Construction (KYTC SSRBC) under the supervision of a certified Work Zone Traffic Control Supervisor.
- All work necessary in shoulder or ditch line areas of a state highway shall be scheduled to be promptly completed so that hazards adjacent to the traveled way are kept to an absolute minimum.
- No more than one (1) traveled-lane shall be blocked or obstructed during normal working hours. All signs and flaggers during lane closure shall conform to the MUTCD. The traveled-way and shoulders shall be kept clear of mud and other construction debris at all times during construction of the permitted facility. No non-construction equipment or vehicles or office trailers shall be allowed on the right of way during working hours. The right of way shall be left free and clear of equipment, material, and vehicles during non-working hours.
- When necessary to block one (1) traveled-lane of a state highway, the normal working hours shall be as directed by the Department. No lanes shall be blocked or obstructed during adverse weather conditions (rain, snow, fog, etc.) without specific permission from the Department.
- Working hours shall be between 9:00 AM and 3:00 PM. Further date and time restrictions are as follows:

One lane of traffic must be maintained during working hours.

B. Explosives

- No explosive devices or explosive material shall be used within state right of way without proper license and approval of the Kentucky Department of Mines and Minerals, Explosive Division.

C. OSHA

- Kentucky Occupational Safety and Health Standards for the construction industry, which has the effect of law, states in part: (Page 52, 1926.651, Specific Excavation Requirements) "Prior to opening an excavation, effort shall be made to determine whether underground installations, (sewer, telephone, water, fuel, electric lines, etc.) will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation."

D. Archaeological

- Whenever materials of an archaeological nature are discovered during the course of construction work or maintenance operations, contact shall be made immediately with the Division of Environmental Analysis, which maintains an archaeologist on staff, or with the Office of the State Archaeologist located at the University of Kentucky. Following this consultation, further action shall be decided on a case-by-case basis by the State Highway Engineer or the Transportation Planning Engineer or their designated representative.

E. Environmental

- If the activity to which this permit related disturbs one acre or more of land, you must obtain KPDES KYR10 permit. Information can be found at <http://water.ky.gov/permitting/Pages/GeneralPermits.aspx>

F. Additional Notes

- The following additional notes apply to this permit:

[Empty box for additional notes]

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693

II. UTILITIES

- The permittee shall be responsible for any damage to existing utilities. Any utility modifications or relocations within state right of way necessary, as determined by the Department or by the owner of the utility, shall be at the expense of the permittee and subject to the approval of the Department. Operators of underground utilities in right of way shall be members of Kentucky 811.
- All existing manholes and valve boxes shall be adjusted to be flush with finished grade.
- All pavement cuts shall be restored per Kentucky Transportation Cabinet standards and specifications.
- Any excavation within 3' of edge of pavement will require flowable fill as backfill.
- The clear zone requirement shall be met to the extent possible in accordance with the Roadside Design Guide.
- Encasement pipe shall conform to current standards for highway crossings in accordance with the Permits Manual. Pipe encasing shall not be required if the pipe crossing is 2" or less.
- Aerial crossing of utility lines shall have a minimum clearance from the high point of the roadway to the low point of the line of 24' on fully controlled access highways and 18' on non-fully controlled access highways
- Minimum depth for underground Gas and Electric lines is 60" under roadways, ramps, and ditch lines and 42" in all other areas within state right of way. The minimum depth for all other utilities is 42" in all areas.
- When steel plates are installed over an open excavation in the roadway, they must be anchored to the pavement and have asphalt applied to all exposed edges and an MUTCD approved sign noting "Road Plates Ahead." KYTC must be notified of the location, date, time, and permit number associated to BOTH the installation and removal of the plate. Failure to do so may result in permit revocation.
- Utility poles moved for replacement must be removed in their entirety and the hole left behind must be backfilled.
- No poles or anchors shall be installed in a roadside ditch.
- Utility notes specific to fully-controlled access highways ONLY:**
All work necessary within the right-of-way shall be performed behind a temporary fence erected prior to the start of work. The temporary woven wire fence shall be removed immediately upon completion of work on the right-of-way, and the control of access immediately restored to original condition, in accordance with applicable KYTC SSRBC. All vents, valves, manholes, etc., shall be located outside of the right-of-way. Encasement pipe shall extend from right-of-way line to right-of-way line and shall be one continuous run of pipe. The encasement pipe shall be welded at all joints. The boring pit and tail ditch shall extend past the existing toe of slope or bottom of ditch line and shall be a minimum of 42 inches deep. Work in interstate right-of-way requires approval from FHWA (Federal Highway Administration).
- Additional notes:

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693

III. DRAINAGE

- Negative impacts to existing drainage will be the applicant's responsibility to repair in accordance with KYTC SSRBC.
- All pipe shall be laid in a straight alignment, to proper grades, and with all materials and methods of installation including bedding and joint seating. Pipe shall not be covered until inspected by the Department and express permission obtained to make backfill. It is the applicant's responsibility to request inspection.
- All gutter lines at the base of new curbs shall be on continuous grades, and pockets of water along with curbs or in entrance areas or other paved areas within the right-of-way shall not be acceptable.
- All drainage structures and appurtenances (manholes, catch basins, curbing, inlet basins, etc.) shall conform to the Department specifications and shall be constructed in accordance with the KYTC's Standard Drawings.
- Additional notes:

[Empty box for additional notes]

IV. PAVING

- No bituminous pavement shall be installed within the right of way between November 15 and April 1, nor when the temperature is below 40 degrees Fahrenheit, without the express consent of the Department. No bituminous pavement shall be installed when the underlying course is wet.
- Paving within the right of way shall be as follows:
 - Base (Type): Match Existing, (Thickness) Match Existing
 - Surface Base (Type) Match Existing, (Thickness) Match Existing
 - Finished Surface (Type) Match Existing, (Thickness) Match Existing
- All materials and methods of construction, including base and subgrade preparation, shall be in accordance with KYTC's Standard Specifications. At least 24 hours notice to the Department is required prior to beginning paving operations.
Phone: 859-341-2700 Name: _____

- Utility companies performing road cuts must restore the pavement to pre-existing condition. Pictures/videos are recommended to ensure proper placement of signs and lane markers that are temporarily removed for paving operations. In some cases, a pre-work inventory may be requested from the Department.
- Existing pavement and shoulder material shall be removed to accommodate the above paving specifications.
- The finished surface of all new pavement within the right of way shall be true to the required slope and grade, uniform in density and texture, free of irregularities, and equivalent in riding qualities to the adjacent highway pavement or as determined by KYTC.
- To ensure proper surface drainage, the new pavement shall be flush with the edge of existing highway pavement and shall slope away from the existing edge of the pavement as specified in drawings.
- Existing edge of pavement shall be saw-cut to provide a straight and uniform joint for new pavement, and an edge key will be installed in the overlap. An approved joint sealer, in accordance with Kentucky Department of Highways Standard Specifications (latest edition), shall be applied between new and existing pavements.

Additional notes:

[Empty box for additional notes]

APPROVED
 AUGUST 2023
 KENTUCKY TRANSPORTATION CABINET
 06-2023-00693

V. ENTRANCES

- Encroachment permits issued by KYTC in no way supersede local planning/zoning requirements or subdivision regulations. KYTC has no authority with zoning changes.
- Commercial entrances must be paved to the right-of-way line. Any deviations must be approved by KYTC before installation.
- KYTC can dictate drainage improvement installation during construction or after entrance is at final grade. The permit release does not release the permit applicant from drainage maintenance.
- Signs (ground-mounted and span-mounted), stop bars, crosswalk, and proper lane markings must be in-place before entrance is open for traffic. Lane width modifications must be approved by the Department.
- Guardrail installation must be pre-approved by the Department and installed by a KYTC pre-qualified contractor. Any guardrail that is removed during construction must be returned to the local KYTC maintenance facility.

Additional notes:

VI. TRAFFIC

- Any contractor performing work within the vicinity of KYTC roadway lighting or traffic signals, must request locates from the KYTC District 6 Traffic section at least one week before of starting work in the right-of-way.
- Applicant must maintain all KYTC Roadway signage that is impacted by the permitted work. In the event that any signs have to be moved, it is the applicant's responsibility to mark the sign's location before removal and to install the original or new sign per KYTC standards for sign installation.
- Any thermoplastic or striping damaged during the encroachment must be restored in a timely manner per KYTC standards. Stopbars, arrows, and crosswalks must be thermoplastic material, paint is not acceptable. This work must be performed by a KYTC pre-qualified contractor.
- Excavating near a signal, lighting pole, or anchoring facility must be done so that it does not impact the structural integrity of the pole. Any work that requires a temporary support or anchoring must receive prior approval.
- If the scope of the permit involves a signal build or rebuild, it is the applicant's responsibility to apply for power service (and pay monthly electrical bill) as well as request electrical inspection from the KYTC District 6 Traffic section. If the signal modifications require timing or phasing changes this must be requested at least two weeks in advance of the signal's turn-on date. KYTC will not take ownership of permitted signals until the electrical inspection is formally accepted and approved.
- Work which impacts traffic loops requires 48-hour notice to the KYTC District 6 Traffic section at 859-341-2700. Accidental damage of a traffic loop must be reported immediately to KYTC District 6's emergency line at 859-620-2738. Any disturbed traffic loops must be replaced in a timely manner. Traffic loops out of operation for more than five working days will subject the applicant to the cancellation of the permit. Loop repair must be performed by a KYTC pre-qualified contractor.

Additional Notes:

APPROVED
AUGUST 1, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693

VII. SIDEWALK SPECIFICATIONS

All sidewalk modifications, retrofitting, or installations must meet current ADA guidelines

A. New Sidewalks

New sidewalk specifications, dimensions, and designs shall be in accordance with KYTC's latest edition of the Standard Specifications, or with the plans provided on the permit if approved by a KYTC D6 Construction or Permits Engineer.

All materials and methods of construction, including curing, shall be in accordance with KYTC's latest edition of the Standard Specifications.

B. Existing Sidewalks

Use of the sidewalk shall not be blocked or obstructed and a usable walkway shall be maintained across the construction area at all times per MUTCD . Sidewalk closures must be approved by the Department before implementation.

The location of ADA ramps (truncated domes/tactile warnings/etc.) will need to be field verified by KYTC before installation.

Any section of sidewalk that becomes damaged shall be entirely replaced to match existing sections.

Additional notes:

[Empty rectangular box for additional notes]

VIII. RIGHT OF WAY RESTORATION

All disturbed portions of the right of way shall be restored to grass as per Kentucky Department of Highways Standard Specifications for Road and Bridge Construction (latest edition). A satisfactory turf, as determined by the Department, shall be established by the permittee prior to release of indemnity. Sodding or seeding shall be as follows:

Slopes 3:1 or Less: 90% Kentucky 31 Tall Fescue and 10% White Dutch Clover at 100 lbs/acre

Slopes Greater than 3:1: 90% Kentucky 31 Tall Fescue and 10% Partridge Pea at 100 lbs/acre

Urban or Residential Areas: 95% Turf Type Fall Fescue Blend and 5% White Dutch Clover at 275 lbs/acre

Two tons of clean straw mulch per acre of seeding.

Prior to seeding, the ground shall be prepared in accordance with Kentucky Department of Highways Standard Specifications for Road and Bridge Construction (latest edition).

Substitutes for sod such as artificial turf, rocked mulch, or paved areas may be acceptable if they are aesthetically pleasing and receive prior approval from KYTC.

All ditch-flow lines and all ditch-side slopes shall be sodded.

Existing concrete right of way markers shall not be disturbed. If damaged in any way, they shall be entirely replaced by the permittee with new concrete markers to match the original markers, in accordance with Kentucky Department of Highways Standard Drawings. Markers that are entirely removed shall be re-established in the proper locations by the permittee and to the satisfaction of the Department.

Additional notes:

[Empty rectangular box for additional notes]

APPROVED
AUGUST 14, 2023
KENTUCKY TRANSPORTATION CABINET
06-2023-00693

IX. RIGHT OF WAY FENCE RESTORATION

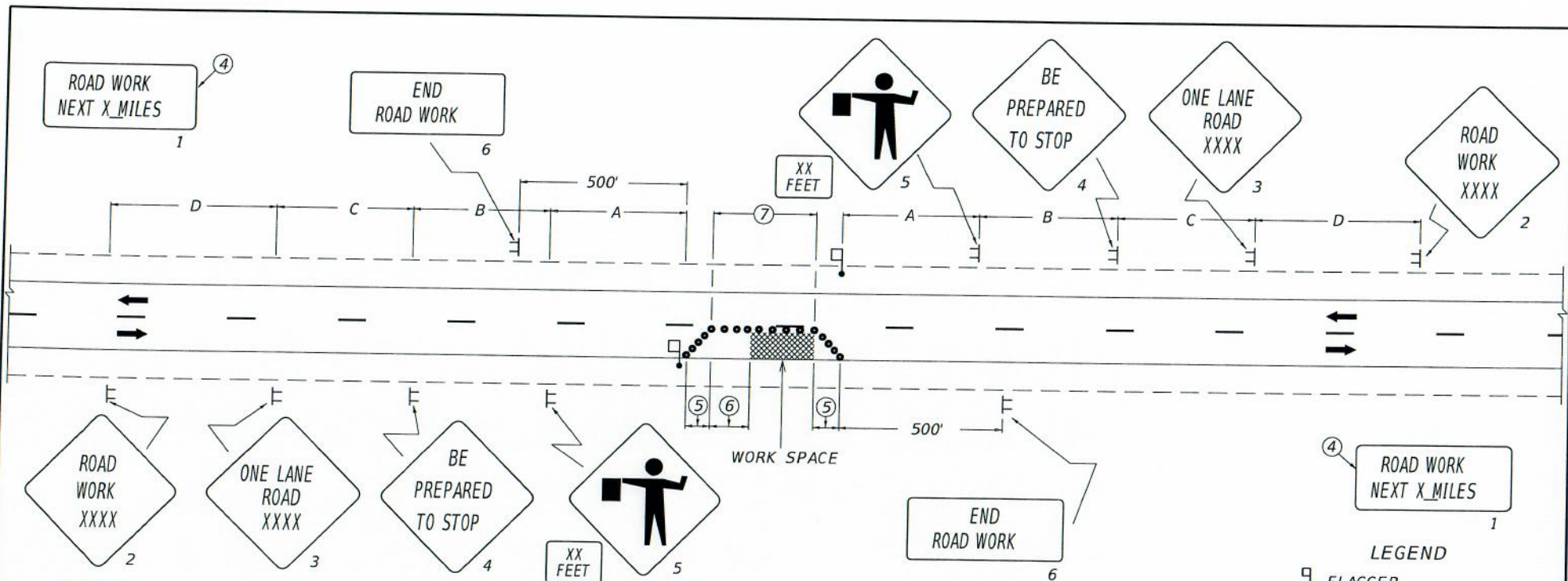
- The replacement fence shall be a height of at least 48 inches and shall be of sufficient density to protect against encroachment.
- The replacement fence shall be a minimum of 1 foot and a maximum of 2 feet outside the right-of-way line
- The fence materials and design shall meet accepted industry standards and be treated as paintable. Durable finish materials such as vinyl are acceptable.
- The permittee shall be required to construct and maintain the replacement fencing to an acceptable level of functionality and state of repair. All work on the fencing shall be performed by access from the private property. Access from the roadway is not allowed.
- The existing fence shall be removed by permittee and stored at the Department's maintenance storage yard for future reuse by the Department, or the Department shall be reimbursed the cost of fencing removed.
- Right of way monuments shall be installed regardless of if replacement fence is installed or not.
- The control of access shall not be diminished as a result of replacement of the fence.
- Additional notes:

X. MISCELLANEOUS NOTES

NOTICE TO PERMITTEE

THE PERMITTEE AGREES THAT ALL WORK WITHIN THE EXISTING RIGHT OF WAY SHALL BE DONE IN ACCORDANCE WITH THE CURRENT KYTC STANDARD SPECIFICATIONS AND THE PLANS AS APPROVED AND PERMITTED BY AN ENCROACHMENT PERMIT. ANY CHANGES OR VARIANCES MADE AT THE TIME OF CONSTRUCTION WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT OF HIGHWAYS SHALL BE REMOVED BY THE PERMITTEE AT NO EXPENSE TO THE DEPARTMENT OF HIGHWAYS AND SHALL BE REDONE BY THE PERMITTEE TO CONFORM WITH THE APPROVED PLANS.

KENTUCKY TRANSPORTATION CABINET
APPROVED
01/2023



~ NOTES ~

1. THE SIZE OF SIGNS 2 THRU 5 SHALL BE 48" X 48" WITH 30" X 24" SUPPLEMENTAL PLAQUES FOR EXPRESSWAYS/FREEWAYS. THE MINIMUM SIZE OF SIGNS 2 THRU 5 SHALL BE 36" X 36" WITH 24" X 18" SUPPLEMENTAL PLAQUES FOR OTHER ROADWAYS. SIGN NOS. 1 AND 6 SHALL BE 48" X 24" FOR EXPRESSWAYS/FREEWAYS AND 36" X 18" FOR OTHER ROADWAYS. A FREEWAY IS DEFINED AS A DIVIDED HIGHWAY WITH FULL CONTROL OF ACCESS. AN EXPRESSWAY IS DEFINED AS A DIVIDED HIGHWAY WITH PARTIAL CONTROL OF ACCESS.
2. THE FLAGGERS SHALL BE IN SIGHT OF EACH OTHER OR IN DIRECT COMMUNICATION AT ALL TIMES. FLAGGER STATIONS SHALL BE LOCATED FAR ENOUGH IN ADVANCE OF THE ACTIVITY AREA SO THAT APPROACHING ROAD USERS WILL HAVE SUFFICIENT DISTANCE TO STOP BEFORE ENTERING THE WORK SPACE. ILLUMINATION SHALL BE PROVIDED TO MARK FLAGGER STATIONS AT NIGHT.
3. DRUMS SHALL BE USED IN LIEU OF CONES IF CLOSURE EXTENDS INTO NIGHTTIME HOURS. GRABBER CONES MAY BE USED IN LIEU OF DRUMS IF THE USE OF DRUMS WOULD RESULT IN LANES THAT ARE TOO NARROW OR AN UNACCEPTABLE SITUATION BASED ON ENGINEERING JUDGMENT.
- ④ SIGN NO. 1 SHOULD BE INSTALLED AT THE LIMITS OF THE PROJECT WHEN THE CONSTRUCTION ZONE IS LONGER THAN TWO MILES IN LENGTH. THE DISTANCE SHOWN SHALL BE STATED TO THE NEAREST WHOLE MILE.
- ⑤ TAPERS SHALL BE 50' (MIN) TO 100' (MAX) IN LENGTH. SPACING OF CHANNELIZING DEVICES SHOULD BE 20' THRU THE TAPER AREAS.
- ⑥ BUFFER SPACE (OPTIONAL). IF USED, THE BUFFER SPACE SHOULD BE EXTENDED SO THAT THE TWO-WAY TRAFFIC TAPER IS PLACED BEFORE A HORIZONTAL OR CREST VERTICAL CURVE TO PROVIDE ADEQUATE SIGHT DISTANCE FOR THE FLAGGER AND A QUEUE OF STOPPED VEHICLES. REFER TO TABLE 6C-2 OF THE MUTCD FOR GUIDANCE ON BUFFER SPACE LENGTH.
- ⑦ SPACING OF CHANNELIZING DEVICES THRU THE ACTIVITY AREA SHOULD BE 80'. ON ROADWAYS WITH WIDTHS LESS THAN 20 FEET, CHANNELIZING DEVICES MAY BE OMITTED THRU THE ACTIVITY AREA BASED ON ENGINEERING JUDGMENT.

BID ITEMS AND UNIT TO BID
 LANE CLOSURE EACH
 REFER TO SECTION 112 OF STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, CURRENT EDITION.

SIGNING AND SPACING TABLE				
ROAD TYPE	A	B	C	D
EXPRESSWAY/ FREEWAY	1000'	500'	1100'	2600'
SP. LT. ≥ 45 MPH*	500'	500'	500'	1100'
SP. LT. ≤ 40 MPH*	250'	250'	250'	250'

*NOTE: USE NORMAL POSTED SPEED LIMIT

- LEGEND
- FLAGGER
 - ▬ SIGN
 - CHANNELIZING DEVICES
CONES
DRUMS

APPROVED
 AUGUST 1, 2023
 KENTUCKY TRANSPORTATION CABINET

DRAWING NOT TO SCALE

KENTUCKY DEPARTMENT OF HIGHWAYS	
LANE CLOSURE TWO-LANE HIGHWAY	
STANDARD DRAWING NO. TTC-100-05	
SUBMITTED: <i>B. Allen</i>	Q2-26-20
DIRECTOR DIVISION OF LANE OPERATIONS	DATE
APPROVED: <i>[Signature]</i>	Q2-26-20
SPR & HIGHWAY ENGINEER	DATE

Kevin Hanson

From: Jeannine Kreinbrink <kreinbrinkjmo@gmail.com>
Sent: Tuesday, October 17, 2023 8:53 AM
To: Kevin Hanson
Cc: Lee Otte; Hillary Maigret; Doug VonStrohe
Subject: Re: FW: *EXTERNAL* 23-001 NKWD SUB DISTRICT HB STATUS

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all, our reports are always submitted first to the reviewing agency who then sends the document on to the Kentucky Heritage Council (KHC) if necessary. For example, Lee and Hillary will submit our report with the permit application for any project going to the Corps of Engineers. After the Corps review, the Corps will submit the report to the KHC for review.

I found the following information on the Kentucky Heritage Council website regarding the Kentucky Clearinghouse:

The Kentucky State Clearinghouse, or eClearinghouse, is a single point of contact created by the Kentucky Department for Local Government for multiple agencies that might be required to comment on a federal project. The information available to reviewers through the eClearinghouse does not usually reflect the full range of information an applicant may have submitted in a funding application, often resulting in additional requests for information. As a result, the Kentucky Heritage Council does not currently participate in eClearinghouse. Those who try to submit projects for review through this portal will receive an automatic response directing applicants to submit a project via hard copy using the KHC cover sheet as described above.

For projects conducted that do not require federal oversight, reports do not get submitted to the Kentucky Heritage Council for review unless a specific state level agency requires it as part of their due diligence, project check lists etc. That agency would then either submit the report directly to the KHC themselves or provide direction for the applicant to submit to the KHC.

Sorry for the delay in replying, hope this helps.
Jeannine

Jeannine Kreinbrink, MA, RPA
President and Senior Archaeologist
K & V Cultural Resources Management, LLC
11283 Big Bone Road
Union, Kentucky 41091
859 760-5271
kreinbrinkjmo@gmail.com



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

November 3, 2023

Regulatory Division
North Branch
ID No. LRL-2023-00729-sea

Mr. Steve Broering
Northern Kentucky Water District (NKWD)
2835 Crescent Springs Road
Erlanger, Kentucky 41018

Dear Mr. Broering:

This is in response to your request for authorization to impact Scaffold Creek and two intermittent unnamed tributaries (UTs) of Scaffold Creek through the open cut installation of an 8-inch water line as part of the NKWD SubDistrict HB Water Main Extension Project, Poplar Thicket Road Line Project. The proposed project would be located along Poplar Thicket Road in Alexandria, Campbell County, Kentucky (Latitude: 38.9583631°N; Longitude: 84.4215463°W). The information supplied by your agent, Otte Enterprises, 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 projects include a discharge of dredged or fill material into waters of the United States associated with the construction, maintenance, repair, and removal of utility lines for water and other substances. The projects are authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 58, Utility Line Activities for Water and Other Substances, 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. 58, and the following Special Condition(s):

1. The Permittee shall comply with all conditions of the General Water Quality Certification (WQC) and Conditions for NWP No. 58 issued by the Kentucky Division of Water (KDOW) on December 18, 2020, which are incorporated herein by reference.
2. Tree clearing shall not occur during the occupied timeframe (April 1 to October 14) to minimize the adverse effects to the federally listed Indiana bat and the northern long-eared bat. To mitigate for the loss of 0.2-acre of "potential" Indiana bat and northern long-eared bat 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. 58 will be modified, reissued, or revoked on March 14, 2026. It is incumbent upon you to remain informed of changes to the NWPs. If you 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-RDN, or contact me directly at (502) 315-6711 or Sarah.E.Atherton@usace.army.mil. Any correspondence on this matter should refer to our ID Number LRL-2023-00729-sea.

Sincerely,

Sarah Atherton
Project Manager, North Branch
Regulatory Division

Enclosures

COORDINATING AGENCY

Ms. Samantha Vogeler
Kentucky Energy & Environment Cabinet
Division of Water
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601
401wqc@ky.gov

AGENT

Mr. Lee Otte
Otte Enterprises
505 Stevenson Road
Erlanger, Kentucky 41018
leeotte@gmail.com

Compliance Certification:

Permit Number: LRL-2023-00729-sea

Name of Permittee: Northern Kentucky Water District

Date of Issuance: November 3, 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



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

October 26, 2023

Regulatory Division
North Branch
ID No. LRL-2023-00729-sea

Mr. Steve Broering
Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, Kentucky 41018

Dear Mr. Broering:

This letter is in regard to your correspondence dated September 5, 2023, requesting an Approved Jurisdictional Determination (AJD) sent on your behalf by Otte Enterprises, for a 0.01-acre site in the right-of-way along the north side of Poplar Thicket Road approximately 0.6-mile south of the intersection of Poplar Thicket Road and KY-915 in Alexandria, Campbell County, Kentucky (Latitude: 38.9506441°N; Longitude: 84.4244331°W).

The site was reviewed pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. Section 404 of the CWA requires that a Department of the Army (DA) permit be obtained for the placement or discharge of dredged and/or fill material into "waters of the United States (U.S.)," including wetlands, prior to conducting the work (33 U.S.C. 1344). Section 10 of the Rivers and Harbors Act of 1899 requires that a DA Permit be obtained for structures or work in or affecting navigable "waters of the U.S.," prior to conducting the work (33 U.S.C. 403).

Based on the information provided to this office and the site visit, the site contains Stream 3 which is not considered to be a "water of the U.S." and is not regulated under Section 404 of the Clean Water Act. However, this determination does not relieve you of the responsibility to comply with applicable state law. We urge you to contact the Kentucky Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601 to determine the applicability of state law to your project.

This letter contains an AJD for the aforementioned site. If you object to the AJD, you may request an administrative appeal under Corps regulations at 33 C.F.R. Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the AJD, you must submit a completed RFA form to the Lakes and Rivers Division Office at the address listed on the enclosed NAP RFA form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **December 25, 2023**. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center prior to starting work.

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 (502) 315-6711 or Sarah.E.Atherton@usace.army.mil. Any correspondence on this matter should refer to our ID Number LRL-2023-00729-sea. A copy of this letter will be furnished to your authorized agent.

Sincerely,

Sarah Atherton
Project Manager, North Branch
Regulatory Division

Enclosures

Copy Furnished:

Ms. Hillary Maignet, Otte Enterprises, hillaryotte@gmail.com

RIFLE RANGE ROAD PERMITS

Kevin Hanson

From: Jeannine Kreinbrink <kreinbrinkjmo@gmail.com>
Sent: Tuesday, October 17, 2023 8:53 AM
To: Kevin Hanson
Cc: Lee Otte; Hillary Maigret; Doug VonStrohe
Subject: Re: FW: *EXTERNAL* 23-001 NKWD SUB DISTRICT HB STATUS

Follow Up Flag: Follow up
Flag Status: Flagged

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

January 4, 2024

Regulatory Division
North Branch
ID No. LRL-2023-00916-cds

Mr. Steve Broering
Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, Kentucky 41018

Dear Mr. Broering:

This is in response to your request for authorization, dated November 21, 2023, to temporarily impact 50 linear feet (0.023 acre) of Fannan Creek, 20 linear feet (0.005 acre) of Deer Lick Creek, and 20 linear feet (0.006 acre) of an unnamed intermittent tributary to Licking River (Stream 1) in association with the installation of 9,960 linear feet of water line. In addition, approximately 320 linear feet (0.007 acre) of eight ephemeral streams (Streams 3 through 6 and Streams 8 through 11) will be temporarily impacted by the proposed project. Two unnamed intermittent tributaries to Licking River (Streams 2 and 7) will not be impacted by the proposed project. All impacted streams will be restored to pre-existing contours post-construction. The approximately 1.9-mile project corridor begins in front of 539 and 554 Rifle Range Road (lat.: 38.96135°; long.: -84.438063°) and runs southwestward for approximately 9,960 linear feet to 102 Rifle Range Road (lat.: 38.943158°; long.: -84.458236°) in unincorporated Campbell County, Kentucky. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project includes a discharge of dredged or fill material into waters of the United States associated with the construction, maintenance, repair, and removal of utility lines for water and other substances. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 58, Utility Line Activities for Water and Other Substances, 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. 58, and the following Special Condition(s):

Special Condition 1: The Permittee shall comply with all conditions of the General Water Quality Certification (WQC) and Conditions for NWP No. 58 issued by the Kentucky Division of Water (KDOW) on December 18, 2020, which are incorporated herein by reference.

Special Condition 2: To mitigate for the loss of 0.13 acre of potential suitable roost trees for the federally listed northern long-eared bat and Indiana bat during the unoccupied time frame (October 15 - March 31), 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. 58 will be modified, reissued, or revoked on March 14, 2026. It is incumbent upon Northern Kentucky Water District to remain informed of changes to the NWPs. If Northern Kentucky Water District 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-RDN, or contact me directly at (502)315-6669 or cory.d.shumate@usace.army.mil. Any correspondence on this matter should refer to our ID Number LRL-2023-00916-cds.

Sincerely,

Cory D. Shumate
Regulatory Specialist, North Branch

Enclosures
Copy Furnished: KDOW (Gauthier)
Otte Enterprises (Otte)

Compliance Certification:

Permit Number: LRL-2023-00916-cds

Name of Permittee: Northern Kentucky Water District

Name of Agent: Otte Enterprises

Date of Issuance: January 4, 2024

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-RDN
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
(Broering)

Date



2021 Nationwide Permit Summary

US Army Corps
of Engineers
Louisville District ®

Issued: March 15, 2021
Expires: March 14, 2026

No. 58. Utility Line Activities for Water and Other Substances

(NWP Final Rule, 86 FR 2744)

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by NWPs 12 or 57, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed

in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal

waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed, installed, or maintained in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of

the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification

and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

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

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

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

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed

and constructed to minimize adverse effects to aquatic life movements.

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

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

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

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

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

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

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be

constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

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

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

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

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used

more than once for the same single and complete project.

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

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

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

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed

for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include

the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an 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 FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it

actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

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

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are

necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal

representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from

the Corps within 45 days, the applicant must still wait for notification from the Corps.

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

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

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine

monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 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, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

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

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

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

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas

may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

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

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

(2) The amount of compensatory mitigation required by the district engineer must be

sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

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

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

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

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

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety

criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of

a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

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

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due

to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

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

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

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

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the

information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

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

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

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

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

(2) Location of the proposed activity;

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

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not

change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

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

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize

the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

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

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

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

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

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

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided

below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

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

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

2021 District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they

individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of

waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the

NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

2021 Further Information

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

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

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

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

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

2021 Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource

function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other

phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWP, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources

through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of

ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the

purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities:

Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).



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General Certification--Nationwide Permit (NWP) 2021

NWP 12 – Oil or Natural Gas Pipeline Activities
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NWP 57 – Electrical Utility Line and Telecommunications Activities

NWP 58 – Utility Line Activities for Water and Other Substances
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This General Certification is issued **December 18, 2020** in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this General Certification and all General Certifications of Nationwide Permits (NWP), the term 'surface water' is defined pursuant to 401 KAR Chapter 10, Section 1(72): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the Commonwealth.

As required by 40 CFR Part 121 – State Certification of Activities Requiring a Federal License or Permit, all conditions include a statement explaining why the condition is necessary to assure that any discharge authorized under the general permit will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. The statements and citations are included with each condition. The statements are written entirely at the end of the certification under the section *Statements of Necessity*.

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.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 303, 306 and 307 of the CWA, will not be violated for the activities covered by the above listed Nationwide Permits, provided that the conditions in

General Certification--Nationwide Permit 12, 57, and 58

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this General Certification are met. Activities that do not meet the conditions of this General Certification require an Individual Section 401 Water Quality Certification.

1. Activities occurring within surface waters assessed by the Kentucky Division of Water as designated Outstanding State Resource Waters, National Resource Waters, Cold Water Aquatic Habitat, Exceptional Waters, or identified as candidate Outstanding State Resource Waters or candidate Exceptional Waters are not authorized under this General Certification and require an Individual Certification. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(1), Section 1(2), & Section 1(3); and 401 KAR 10:031, Section 4(2) & Section 8]
2. Activities impacting surface waters assessed by the Kentucky Division of Water as impaired for warm water or cold water aquatic habitat where the parameter or source is related to habitat* are not authorized under this General Certification and require an Individual Certification. [Statement B and citations KRS 224.70-110 and 401 KAR 10:031, Section 2 & Section 4]

*These include waters impaired by the parameter 'habitat assessment', 'combined biota/habitat bioassessment' or any parameter from the parameter group 'habitat alterations, and/or waters where the parameter identified as a cause of impairment has a source from the source group 'habitat impacts'.
3. Activities impacting surface waters assessed by the Kentucky Division of Water as full support for warm water or cold water aquatic habitat are not authorized under this General Certification and require an Individual Certification. [Statements A and B and citations KRS 224.70-110 and 401 KAR 10:031, Section 2 & Section 4]
4. The activity will not occur within surface waters identified as perpetually-protected mitigation sites (e.g., deed restriction or conservation easement). [Statement C and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3); and 40 C.F.R. 230.97]
5. Activities with cumulative temporary and permanent impacts greater than 1/2 acre of wetland or 300 linear feet of surface waters are not authorized under this General Certification and require an Individual Certification. This General Certification shall not apply to projects where multiple Nationwide Permits are issued for individual crossings which are part of a single, larger utility projects. Cumulative impacts include utility line crossings, permanent or temporary access roads, headwalls, associated bank stabilization areas, substations, pole or tower foundations, maintenance corridor, and staging areas. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
6. For a single crossing, impacts from the construction and maintenance corridor in surface waters shall not exceed 50 feet of bank disturbance. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

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7. Stream impacts under Conditions 5 and 6 of this certification are defined as the length of bank disturbed. For utility line crossings and roads, only one bank length is used in calculation of the totals. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
8. This General Certification is limited to the crossing of surface waters by utility lines. This certification does not authorize the installation of utility lines in a linear manner within the stream channel or below the top of the stream bank. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
9. Stream relocation, realignment, straightening, and/or widening are not authorized under this General Certification and require an Individual Certification. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
10. Any crossings must be constructed in a manner that does not impede natural water flow. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
11. Blasting of stream channels, even under dry conditions, is not allowed under this General Certification and require and Individual Certification. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
12. Utility lines trenched parallel to the stream shall be located at least 50 feet from an intermittent or perennial stream, measured from the top of the stream bank. Construction within the 50 foot buffer may be authorized if avoidance and minimization efforts are shown and adequate methods are utilized to prevent soil from entering the stream. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
13. Utility line stream crossings shall be constructed by methods that maintain flow and allow for dry excavation. Water pumped from the excavation shall be contained and allowed to settle prior to re-entering the stream. Excavation equipment and vehicles shall operate outside of the flowing portion of the stream. Spoil material from the excavation shall not be allowed to enter the flowing portion of the stream. [Statement A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
14. The activities shall not result in any permanent changes in pre-construction elevation contours in surface waters or stream dimension, pattern or profile. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
15. Utility line activities which impact wetlands shall not result in conversion of the area to non-wetland status. [Statement A and citations KRS 224.70-110, 401 KAR

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- 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
16. Clearing of forested wetlands for the installation or maintenance of utility lines is not authorized under this certification. [Statement A and citations 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
 17. Surface water impacts covered under this General Certification 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 (KAWQP). [Statements A and F and citations KRS 224.71-145(1), 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
 18. The use of creek rock for bank stabilization; grouted rip-rap; unformed, poured grout; unformed, poured concrete; poured asphalt; or asphalt pieces is not authorized under this General Certification and requires an Individual Certification. Poured concrete or grout will be authorized under this General Certification when contained by tightly sealed forms or cells. Equipment shall not discharge waste washwater into surface waters at any time without adequate wastewater treatments. [Statement A and citations 401 KAR 10:030, Section 1(3)(b) & 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
 19. New stormwater detention/ retention basins constructed in surface waters or modifications to stormwater detention/ retention basins resulting in the reduction in reach or that cause impairment of flow of surface waters are not authorized under this General Certification and require an Individual Certification. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
 20. Erosion and sedimentation pollution control plans and Best Management Practices (BMPs) 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. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
 21. Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

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22. Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering surface waters. [Statements A and D and citations. [KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
23. Removal of riparian vegetation shall be limited to that necessary for equipment access. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
24. To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
25. Heavy equipment (e.g. bulldozers, backhoes, and draglines), if required for this project, should not be used or operated within the stream channel. In those instances in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
26. Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
27. If domestic water supply intakes are located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done prior to construction. [Statement E and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
28. 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. [Statement A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
29. The Kentucky Division of Water requires submission of a formal application for any federal applicant that is not required to submit a Preconstruction Notification that would typically be required of any non-federal applicant. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

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30. The Kentucky Division of Water may require submission of a formal application for an Individual Certification for any project that has been determined to likely have a significant adverse effect upon water quality or degrade surface waters so that existing uses of the water body or downstream waters are precluded. [Statement A and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]
31. If the final issued General Permit for Nationwide Permit # 12, 57, or 58 changes significantly, the Division of Water may opt to deny certification for this permit. [Statements A and D and citations KRS 224.70-110, 401 KAR 10:030, Section 1(3)(b) & Section 1(4)(b); and 401 KAR 10:031, Section 2 & Section 4]

Statements of Necessity:

- A. This condition is necessary to protect waters categorized under the anti-degradation policy to protect the designated and existing uses and to maintain the associated water quality criteria necessary to protect these water resources.
- B. This condition is necessary to protect existing uses and the level of water quality necessary to protect those existing uses shall be assured in impaired water.
- C. This condition is necessary for long-term protection of compensatory mitigation sites.
- D. This condition is necessary to provide for the prevention, abatement, and control of all water pollution and to conserve water resources for legitimate uses, safeguard from pollution the uncontaminated waters, prevent the creation of any new pollution, and abate any existing pollution.
- E. This condition is necessary to protect domestic water supply use.
- F. This condition is necessary to evaluate, develop, and improve best-management practices in conservation plans, compliance plans, and forest stewardship management plans; establish statewide and regional agriculture water quality plans; and otherwise promote soil and water conservation activities that protect surface waters from the adverse impacts of agriculture operations within the Commonwealth.

Violation of Kentucky state water quality standards may result in civil penalties and remediation actions.

For assistance contact the Kentucky Division of Water, Water Quality Certification Section by email (401WQC@ky.gov) or by phone (502)-564-3410.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

January 4, 2024

Mr. Cory Shumate
U.S. Army Corps of Engineers
Louisville District
600 Dr. M. L. King Jr. Place, Room 183
Louisville, KY 40202

Subject: FWS 2024-0010004; LRL-2023-00916, NKWD Rifle Range Road Project,
Campbell County, Kentucky

Dear Mr. Shumate:

The U.S. Fish and Wildlife Service's (Service) Kentucky Field Office (KFO) has reviewed the request for concurrence for the above-referenced project received by our office on December 13, 2023. The U.S. Army Corps of Engineers (USACE) is proposing to authorize impacts to jurisdictional waters of the U.S. for the extension of a water line in Campbell County, Kentucky. The KFO offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Project Description

The Northern Kentucky Water District is proposing to extend an existing water line along Rifle Range Road by installing 9,960 linear feet of new water line. The project corridor begins at 539 and 554 Rifle Range Road (38.96135°N, -84.438063°W) and runs southwestward to 102 Rifle Range Road (38.943158°N, -84.458236°W). The proposed project will result in temporary impacts to 50 linear feet of the perennial stream Fannan Creek, 20 linear feet of the perennial stream Deer Lick Creek, and 20 linear feet of an unnamed intermittent stream. A Stormwater Pollution Prevention Plan will be prepared for the project that will include erosion and sediment control methods for the stream crossings. The project corridor includes cleared/mowed yards on private property, periodically maintained land in the public road right-of-way, and wooded areas. Tree removal will be required for the project.

Federally Listed Species

The USACE has determined that the proposed project will have "no effect" on the gray bat (*Myotis grisescens*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), longsolid (*Fusconaia subrotunda*), northern riffleshell (*Epioblasma rangiana*), pink mucket (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rough pigtoe (*Pleurobema plenum*), and

snuffbox (*Epioblasma triquetra*) due to lack of suitable habitat within the project corridor. There is no requirement to request concurrence with a “no effect” determination; however, the KFO acknowledges this determination and has no additional comments or concerns regarding these species. The USACE has determined that the proposed project has the potential to affect the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). A habitat assessment of the project corridor was performed by the applicant’s agent, Otte Enterprises, on June 6, 2023.

Indiana Bat and Northern Long-eared Bat

No caves, mine portals, significant sinkholes, rock shelters, or other features that could be used as hibernacula by these species were identified in the project corridor during the habitat assessment. Forested habitat in the corridor was identified as suitable summer roosting, foraging, and commuting habitat for these species, and the proposed project will require the removal of 0.13 acre of this habitat. Based on impacts to suitable summer roosting, foraging, and commuting habitat, we concur with your determination that the proposed action “may affect, is likely to adversely affect” the Indiana and northern long-eared bats.

The applicant has chosen to make a voluntary payment to the Imperiled Bat Conservation Fund (IBCF) as part of the proposed action to address Indiana and northern long-eared bat habitat loss. A voluntary payment to the IBCF is a conservation measure that is identified in the KFO’s 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy). The proposed project is located within “Potential” habitat for both species, and the applicant proposes to remove habitat during the unoccupied period (October 15 to March 31). Based on the Conservation Strategy, the voluntary payment to the IBCF should be \$305.50¹.

We have determined that the proposed action is consistent with the actions evaluated in the 2015 Biological Opinion: *Kentucky Field Office’s Participation in Conservation Memoranda of Agreement for the Indiana Bat and/or Northern Long-eared Bat* (BO) that supports the Conservation Strategy. Any incidental take of Indiana or northern long-eared bats resulting from forested habitat removal is not prohibited. The BO concludes that this incidental take is not likely to jeopardize the continued existence of the Indiana or northern long-eared bat.

To complete the voluntary IBCF payment, the project proponent should mail a check or money order to the Kentucky Natural Lands Trust, which administers the IBCF. The check or money order should be made payable to Kentucky Natural Lands Trust with “Imperiled Bat Conservation Fund” in the memo line. Payments can only be received by standard mail or USPS Priority Mail at the address below. Please note that KNLNT cannot provide a signature upon delivery. Payment cannot be received by other delivery services (i.e., FedEx, UPS, etc.).

¹ The calculated amount is based on the current average value of farm real estate in Kentucky published annually by the U.S. Department of Agriculture in the Land Values and Cash Rents document (\$4,700). Project review requests received after September 1 will be calculated using the new average value.

Mail to:
Imperiled Bat Conservation Fund
c/o Kentucky Natural Lands Trust
433 Chestnut Street
Berea, KY 40403

A cover letter should be included with the check or money order with the following information: the project proponent's name, the FWS project code referenced in the subject line of this letter, and a contact name and email address for receipt of payment.

Summary

The USACE has determined that the proposed project will have "no effect" on the gray bat, clubshell, fanshell, longsolid, northern riffleshell, pink mucket, rabbitsfoot, rough pigtoe, and snuffbox. The KFO concurs that the proposed action "may affect, is likely to adversely affect" the Indiana and northern long-eared bats and that the project is consistent with the actions evaluated in the 2015 BO. We also acknowledge use of a voluntary payment to the IBCF as a compensatory mitigation measure for adverse effects to the Indiana and northern long-eared bats. In view of these findings, we believe that the Section 7 requirements of the Endangered Species Act for this project are fulfilled. The USACE should reconsider their Section 7 obligation, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated.

We appreciate the opportunity to review the proposed project. If you have any questions, please contact Seth Bishop of my staff at seth_bishop@fws.gov.

Sincerely,

for Virgil Lee Andrews, Jr.
Field Supervisor

UPPER LICK BRANCH ROAD PERMITS

Kevin Hanson

From: Jeannine Kreinbrink <kreinbrinkjmo@gmail.com>
Sent: Tuesday, October 17, 2023 8:53 AM
To: Kevin Hanson
Cc: Lee Otte; Hillary Maigret; Doug VonStrohe
Subject: Re: FW: *EXTERNAL* 23-001 NKWD SUB DISTRICT HB STATUS

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all, our reports are always submitted first to the reviewing agency who then sends the document on to the Kentucky Heritage Council (KHC) if necessary. For example, Lee and Hillary will submit our report with the permit application for any project going to the Corps of Engineers. After the Corps review, the Corps will submit the report to the KHC for review.

I found the following information on the Kentucky Heritage Council website regarding the Kentucky Clearinghouse:

The Kentucky State Clearinghouse, or eClearinghouse, is a single point of contact created by the Kentucky Department for Local Government for multiple agencies that might be required to comment on a federal project. The information available to reviewers through the eClearinghouse does not usually reflect the full range of information an applicant may have submitted in a funding application, often resulting in additional requests for information. As a result, the Kentucky Heritage Council does not currently participate in eClearinghouse. Those who try to submit projects for review through this portal will receive an automatic response directing applicants to submit a project via hard copy using the KHC cover sheet as described above.

For projects conducted that do not require federal oversight, reports do not get submitted to the Kentucky Heritage Council for review unless a specific state level agency requires it as part of their due diligence, project check lists etc. That agency would then either submit the report directly to the KHC themselves or provide direction for the applicant to submit to the KHC.

Sorry for the delay in replying, hope this helps.
Jeannine

Jeannine Kreinbrink, MA, RPA
President and Senior Archaeologist
K & V Cultural Resources Management, LLC
11283 Big Bone Road
Union, Kentucky 41091
859 760-5271
kreinbrinkjmo@gmail.com



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

LINDY CASEBIER
SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC PRESERVATION OFFICER

December 6, 2023

Jeannine Kreinbrink
K & V Cultural Resources Mgmt. LLC
11283 Big Bone Rd.
Union, KY 41091

Re: Upper Lick Branch Rd. Water Line Project, Campbell Co., KY

Dear Ms. Kreinbrink:

Our review indicates that the proposed project will not impact any properties or sites that are listed in or eligible for the National Register of Historic Places. The proposed project should not require cultural resource survey. We would concur with a finding of *No Historic Properties Affected*.

In the unlikely event that human remains are found during construction for this project, work should cease immediately, and the county coroner and the Kentucky Heritage Council should be contacted. Should project plans change or there be any future concerns or questions regarding cultural resources in the vicinity of this project area, please do not hesitate to contact Nicole Konkol via email at nicole.konkol@ky.gov.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP:nk KHC #233519

OTTE ENTERPRISES



505 STEVENSON ROAD
ERLANGER, KENTUCKY 41018-2437

e-mail: leeotte@gmail.com
cell: 859-653-7087

resource management - ecological restoration - regulatory compliance - geological services - environmental consulting

January 4, 2024

Mr. Kyle Ryan
Staff Engineer

Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, KY 41018-0640

**SUBJECT: Due Diligence Requirements
Northern Kentucky Water District
Sub-District HB Water Main Extension Project
Upper Lick Branch Road
Campbell County, Kentucky**

Dear Mr. Ryan:

On behalf of the Northern Kentucky Water District, Cardinal Engineers, of Wilder, Kentucky, has requested that Otte Enterprises review the final design plan set for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, as provided by Cardinal Engineering, to determine the due diligence required for each water line extension, relative to potential streams and/or wetland impacts and the associated permitting requirements. Otte Enterprises has evaluated each of these individual water lines. This letter presents what Otte Enterprises believes are the due diligence requirements for the proposed water line extension along Upper Lick Branch Road in unincorporated Campbell County, Kentucky.

The Upper Lick Branch Road water line will extend along Upper Lick Branch Road for about 3,587 linear ft, with about 1,237 ft of the proposed water line located in the right-of-way along the north side of Upper Lick Branch Road, about 1,975 ft located in the right-of-way along the south side of Upper Lick Branch Road, and about 375 ft of the proposed water line located under the paved area of Upper Lick Branch Road. Upper Lick Branch Road runs from east to west along an intermittent stream valley. The properties along Upper Lick Branch Road consist of mowed grassy residential lawns, cleared and maintained but undeveloped fields, and wooded hillsides.

HYDROLOGICAL FEATURES IN THE UPPER LICK BRANCH ROAD PROJECT AREA: Otte Enterprises walked and/or drove the entire length of the proposed water line, to evaluate the right-of-way for the presence of any streams or wetlands that may be impacted by the construction of the water line.

The Upper Lick Branch Road water line will cross the following hydrological features:

- One intermittent stream at footage marker 3,150.
- One ephemeral drainage at footage marker 3,525.

The current definition of a Water of the United States does not include ephemeral streams, such that the ephemeral stream in the Upper Lick Branch Road project area will not be considered a jurisdictional Water of the United States by the Corps of Engineers. The ephemeral stream also will not be considered a jurisdictional Water of the Commonwealth of Kentucky by the Kentucky Division of Water (KDOW).

The intermittent stream in the Upper Lick Branch Road project area will be considered a jurisdictional Water of the United States and Water of the Commonwealth of Kentucky.

It is Otte Enterprises' understanding that the water line crossings through these streams will be constructed in such a way that the stream channels will be returned to their original condition once the water line construction is completed.

PERMITTING: Stream and wetland impacts associated with utility line projects, such as underground water lines, typically are permitted by way of one or both of the following permits/certifications:

- Section 404 Nationwide Permit (NWP) #58 from the U.S. Army Corps of Engineers
- Section 401 Water Quality Certification (WQC) from the Water Quality Branch of the Kentucky Division of Water (KDOW)

Corps of Engineers Nationwide Permit #58: Temporary impacts associated with the construction of underground water lines may qualify for a NWP #58, without the need to notify the Corps of Engineers, if certain conditions are met. The conditions of NWP #58 that are applicable to the Upper Lick Branch Road project are General Condition #18 (Endangered Species) and General Condition #20 (Historic Properties).

General Condition #18: Nationwide Permit General Condition #18 requires coordination with the Corps of Engineers and the U.S. Fish and Wildlife Service (USFWS) to address potential impacts to federally threatened or endangered species or their potential habitat, per Section 7 of the Endangered Species Act.

The Upper Lick Branch Road project area includes potential summer habitat for the federally endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*). Summer habitat for both of these bat species consists of live shagbark hickory and white oak trees, and dead or dying trees with large pieces of peeling bark. Individual bats can roost in trees with a diameter as small as 3 to 5 inches.

The Corps of Engineers evaluates impacts to potential bat habitat only in the areas that will be disturbed in order to construct crossings through Waters of the United States, such that coordination would be required only for trees cleared in the immediate vicinity of the intermittent stream crossing. The intermittent stream crossing for the Upper Lick Branch Road project is located in an area that has previously been cleared of woody vegetation, such that no tree clearing is required to construct these crossings, and such that the Upper Lick Branch Road project meets General Condition #18 for NWP #58.

General Condition #20: Nationwide Permit General Condition #20 requires the evaluation of any "historic properties" that may be on the permitted property, in coordination with the Kentucky State Historic Preservation Office (SHPO), per the requirements of the Section 106 of the National Historic Preservation Act (NHPA). Please note that "historic properties" can include any man-made structure (house, barn, outbuilding, bridge, etc.) over 50 years of age, plus any cemeteries and prehistoric features.

K&V Cultural Resources Management, LLC, of Union, Kentucky, performed a cultural resources literature review for the Upper Lick Branch Road Project. This review documented that the Upper Lick Branch Road project area is of low probability to contain significant prehistoric or historic archaeological sites and that the project area contains no existing buildings. As such, the Upper Lick Branch Road project meets General Condition #20 for NWP #58.

It is Otte Enterprises opinion that the Northern Kentucky Water District can proceed with the construction of the proposed water line along Upper Lick Branch Road for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, without submitting any notification to the Corps of Engineers relative to the need for a Section 404 NWP #58.

Kentucky Division of Water Quality Certification: Temporary impacts associated with the construction of underground water lines that qualify for a NWP #58, may also be approved under a General Water Quality Certification from the Kentucky Division of Water, if certain conditions are met. Otte Enterprises believes that the NKWD Upper Lick Branch Road Project meets all of the conditions of the General WQC.

It is Otte Enterprises opinion that the Northern Kentucky Water District can proceed with the construction of the proposed water line along Upper Lick Branch Road for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, without submitting an "Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification" to the KDOW.

General Condition #12: General Condition #12 of the General Water Quality Certification for NWP #58 states the following:

"Utility lines trenched parallel to the stream shall be located at least 50 feet from an intermittent or perennial stream, measured from the top of the stream bank. Construction within the 50 foot buffer may be authorized if avoidance and minimization efforts are shown and adequate methods are utilized to prevent soil from entering the stream."

An intermittent stream flows along the south side of Upper Lick Branch Road. The proposed water line will be at least (i.e., greater than) 50 ft from the top of the left-descending stream bank for essentially the entire length of the project area, such that the Upper Lick Branch Road project meets General Condition #12.

Kentucky Division of Water Permit for Floodplain Development: The KDOW requires a Floodplain Permit for any development in, along, or across a stream. A 100-year FEMA Flood Zone is located along the lower portion of the intermittent stream that flows along Upper Lick Branch Road. Based on the design plans for the project, some length of the proposed water line and associated construction activities will be located within this flood zone. The KDOW issues a General Permit for Floodplain Development, without the requirement to notify the KDOW, for projects that meet certain conditions. Otte Enterprises believes that the Upper Lick Branch Road Project meets all of these conditions.

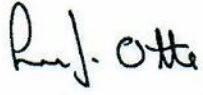
It is Otte Enterprises opinion that the Northern Kentucky Water District can proceed with the construction of the proposed water line along Upper Lick Branch Road for the Northern Kentucky Water District's Sub District HB Water Main Extension Project, without submitting an "Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification" to the KDOW.

Please note that other notifications and/or permits from the Kentucky Division of Water may be required for this project, such as a Notice of Intent for the Kentucky Pollutant Discharge Elimination System Permit for Stormwater Discharges Associated with Construction Activities.

Please let us know if you have any questions about the information presented in this letter.

Mr. Kyle Ryan
January 4, 2024

Respectfully submitted,

A handwritten signature in black ink that reads "Lee J. Otte". The signature is written in a cursive, slightly slanted style.

Lee J. Otte, Ph.D., C.P.G.
Senior Consultant

cc: Mr. Kevin Hanson, Cardinal Engineering
Mr. Matt Bogen, Cardinal Engineering