

## **KENTUCKY REGIONAL GENERAL CONDITIONS**

These regional conditions are proposed in addition to but do not supercede the requirements in the Federal Register (Volume 72 No. 47 of March 12, 2007)

Notifications for all Nationwide permits should include a location map (USGS topographical map) and project drawings on 8 1/2" x 11" paper.

1. For activities in Outstanding State Resource Waters (ORWs) and Coldwater Aquatic Habitat Waters (CAHs) for the NWP's listed below, a Pre-Construction Notification (PCN) will be required to the Corps. The Corps will coordinate with the appropriate resource agencies (see attached list) on these NWP's for impacts to ORWs and CAHs, or for impacts greater than 0.25 acre of "waters of the United States".

NWP 3 (Maintenance), 7 (Outfall Structures and Associated Intake Structures), 12 (Utility Line Activities), 14 (Linear Transportation Projects), 21 (Surface Coal Mining Activities), 27 (Aquatic Habitat Restoration, Establishment and Enhancement Activities), 29 (Residential Developments), 39 (Commercial and Institutional Developments), 40 (Agricultural Activities), 41 (Reshaping Existing Drainage Ditches), 42 (Recreational Facilities), 43 (Stormwater Management Facilities), 44 (Mining Activities), 49 (Coal Remining activities), 50 (Underground Coal Mining Activities).

### **2. Nationwide Permit No. 14 – Linear Transportation Projects**

- (a) Activities in Section 10 navigable waters will require a PCN to the Corps.
- (b) New public road alignments or realignments are limited to a permanent loss of 500 linear feet of intermittent or perennial stream length at each crossing. Public road crossings with permanent losses greater than 500 linear feet of intermittent or perennial stream associated with new alignments or realignments will be evaluated as an individual permit i.e., a Letter of Permission or as a Standard Individual Permit.
- (c) All linear transportation project crossings resulting in the permanent loss of greater than 300 linear feet of intermittent or perennial stream will require mitigation to compensate for impacts to the waters of the U.S. The permanent loss of stream includes the linear feet of stream that is permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity and not restored to pre-construction contours and elevations after construction. In addition to the notification requirements contained in Nationwide Permit 14, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity for the permanent loss of greater than 300 feet of intermittent and perennial stream. (See

general condition 27 and the definition of "loss of waters of the United States" in the Nationwide Permits for further information.)

**3. Nationwide Permit No. 27 – Aquatic Habitat Restoration, Establishment and Enhancement Activities**

- (a) All work in Section 10 navigable waters will require a PCN to the Corps

Further information:

Outstanding Resource Waters (ORW's) in Kentucky are streams designated by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet. The list can be found at the following link:

[http://nrepcapps.ky.gov/special\\_waters/specialwaters.htm](http://nrepcapps.ky.gov/special_waters/specialwaters.htm).

Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 27 (Federal Register, Volume 72, No. 47, Monday, March 12, 2007, pp 11194-11196).

Mitigation includes activities that avoid, minimize, and compensate for impacts.

## **COORDINATING RESOURCE AGENCIES**

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Mr. David W. Morgan  
Environmental and Public Division of Water  
Division of Water  
14 Reilly Road  
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Dr. Jonathan W. Gassett  
Commissioner  
Department of Fish and Wildlife Resources  
#1 Game Farm Road  
Frankfort, Kentucky 40601

Ms. Donna M. Neary  
State Historic Preservation Officer  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, Kentucky 40601

## **ADDITIONAL COORDINATING RESOURCE AGENCY** **NWPS 21, 49, AND 50**

Mr. Paul Ehret  
Kentucky Department of Natural Resources  
Division of Mine Permits  
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