



Public Notice

**US Army Corps
of Engineers**

Louisville, Nashville,
Memphis and Huntington
Districts ®

Public Notice No.
LRL-2010-325

Open Date:

Closing Date:
N/A

Please address all inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Patricia A. Grace-Jarrett, Ph.D., CELRL-RDE, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059 Phone: (502)315-6687

NOTICE ANNOUNCING MODIFICATION OF THE KENTUCKY DEPARTMENT OF FISH AND WILDLIFE RESOURCES IN-LIEU FEE PROGRAM INSTRUMENT

This notice announces that on March 20, 2018, the Louisville, Nashville, Memphis, and Huntington Districts of the U.S. Army Corps of Engineers (the “Corps”), approved the modification of the Kentucky Department of Fish and Wildlife Resources (KDFWR) In-Lieu Fee Instrument (“Modification of the Agreement Concerning In-Lieu Mitigation Fees Between: U.S. Army Corps of Engineers & Kentucky Department of Fish and Wildlife Resources”). This modification, dated February 2018, authorized the addition of one new Service Area, the Northern Kentucky Service Area. The modification is consistent with 33 CFR Part 332 “Compensatory Mitigation for Losses of Aquatic Resources” (“Mitigation Rule”), as published in the Federal Register (FR) ((FR Vol. 73 No. 70, p 19670-19705(33 U.S. C.401 et seq.; 33 U.S.C 1344; and Pub. L. 108-136)) on April 10, 2008.

USE OF KDFWR IN-LIEU FEE PROGRAM:

In-Lieu Fee (ILF) mitigation occurs in circumstances where a permittee purchases credits from an ILF Program instead of completing project-specific mitigation or purchasing credits from an approved mitigation bank. The KDFWR ILF Program is authorized to provide mitigation associated with Department of Army (DA) Permits pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 401) within the Commonwealth of Kentucky.

Permittees wishing to purchase mitigation credits from the KDFWR ILF Program should contact KDFWR by calling (502) 564-5101 or by writing to the Internal Policy Analyst III, Division of Fisheries, Kentucky Department of Fish and Wildlife Resources, #1 Sportsman’s Lane, Frankfort, Kentucky, 40601. Please note that, in accordance with the Mitigation Rule, the cost per mitigation credit is set by the Sponsor (KDFWR).

EFFECTIVE DATE:

The effective date for implementation of the new Service Area is March 20, 2018.

SERVICE AREA:

The modification of the KDFWR ILF Program included the addition of the Northern Kentucky Service Area, which includes the following nine northern counties: Bracken, Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Mason, and Pendleton (Exhibit 1).

CONTACT INFORMATION:

Please be advised that the Corps is not seeking public comments on this notice. The KDFWR ILF Instrument is available on the Louisville District's Internet site at: <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>, or on the Corps "Regulatory In-Lieu Fee and Bank Information Tracking System" (RIBITS) internet site (https://ribits.usace.army.mil/ribits_apex/f?p=107:2), or by requesting at the address listed above. Questions regarding the KDFWR ILF Instrument should be directed to Patricia A. Grace-Jarrett, Ph.D., CELRL-RD-MCE, at the address noted above and should refer to the Public Notice Number LRL-2010-325.