



**US Army Corps
of Engineers**
Louisville, Memphis &
Nashville Districts ®

Public Notice

Public Notice Nos.
LRL-2014-00685-pgj
LRL-2015-01021-pgj
LRN-2016-00176-pgj

Open Date:
18 Mar 2016

Close Date:
18 Apr 2016

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Dr. Patricia A. Grace-Jarrett, Ph.D., CELRL-OPF-S, Rm 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: 502-315-6687

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act:

SPONSOR: Kentucky Transportation Cabinet
200 Mero Street
Frankfort, Kentucky 40622

AGENT: Riverine Solutions
15321 Champion Lakes Place
Louisville, Kentucky 40245

LOCATION: Ephemeral and intermittent streams, ponds and wetlands on an approximately 103.8-acre site located approximately 0.2 mile from the intersection of KY-52 E and Old Nelsonville Road, near the city of Boston, Nelson County, Kentucky.

Latitude: 37.7773 N
Longitude: -85.6772 W
7.5 Minute Quad: Lebanon Junction

PURPOSE: To develop an umbrella mitigation banking instrument that would operate within the Commonwealth of Kentucky, providing stream and wetland mitigation credits, including one location within the Salt River Watershed.

DESCRIPTION OF WORK: The Sponsor proposes to develop an umbrella mitigation banking instrument (UMBI) which would provide stream and wetland mitigation credits within the Louisville, Memphis and Nashville Districts' regulatory boundaries within the Commonwealth of Kentucky. This proposal, The Kentucky Transportation Cabinet Stream and Wetland Umbrella Mitigation Banking Instrument (KYTC SWUMBI), includes one service area. The service area would consist of three,

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eight-digit hydrologic unit codes (HUCs): the Rolling Fork (HUC: 05140103), the Salt River (HUC: 05140102) and the portion of the Silver-Little Kentucky (HUC: 0514101) that falls within Kentucky. This proposal also includes one mitigation site, the KYTC Boston Wetland and Stream Mitigation Bank Site (LRL-2015-01021-pgj). Additional service areas and mitigation sites may be proposed at future dates. Should this occur, additional public notice(s) would be issued. The Corps has assigned the following I.D. Nos. to the KYTC SWUMBI: LRL-2014-00685-pgj and LRN-2016-00176.

The KYTC SWUMBI, in concert with the KYTC Boston Wetland and Stream Mitigation Bank Site (LRL-2015-01021-pgj), would be developed to generate stream and/or wetland mitigation credits that could be made available to KYTC to compensate for impacts associated with the discharge of dredged or fill material into "waters of the United States (U.S.)" resulting from the Sponsor's projects within the approved service area. As such, the proposal is for the development of a single-client mitigation bank instrument. Project partners include the Kentucky Waterways Alliance and the U.S. Fish and Wildlife Service (USFWS). As the USFWS would have significant involvement in this proposal, they have recused themselves from participating as a member of the Interagency Review Team (IRT). The Sponsor has submitted a prospectus consistent with the Mitigation Rule. The prospectus may be reviewed in full by contacting the Corps; additionally, a summary of the first mitigation site is detailed below. Any discharge of fill into "waters of the U.S." associated with the mitigation project would be reviewed under separate procedures.

KYTC Boston Wetland and Stream Mitigation Bank Site (LRL-2015-01021-pgj): This site, approximately 103.8 acres in size, contains unnamed ephemeral (approximately 942 linear feet) and intermittent (approximately 2,807 linear feet) tributaries to Lick Creek. Lick Creek is tributary to Beech Fork, which are both perennial streams. Beech Fork is tributary to the Rolling Fork, which is tributary to the Salt River. The Rolling Fork and the Salt River are traditionally navigable waters (TNWs). The site also contains six wetlands, totaling approximately 29 acres, which are adjacent to Lick Creek, and two ponds, which may be adjacent to Lick Creek. The project would include restoration of streams and enhancement or rehabilitation of on-site wetlands. The project would require the discharge of clean fill material into the "waters of the U.S.," including earthen material, wood, and rock of various sizes for the construction of in-stream habitat, toe protection and/or grade control structures. The streams and the surrounding 103.8-acre property would be permanently protected through implementation of deed restrictions.

Mitigation Plan: This public notice announces the development of a prospectus for the KYTC SWUMBI, including the KYTC Boston Wetland and

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Stream Mitigation Bank Site. Consistent with the Mitigation Rule, mitigation plans for each site will not be developed until the UMBI is drafted, which is at a later phase of the mitigation bank approval process. Therefore, no mitigation plans are available for review at this time.

PUBLIC REVIEW AND COMMENT: The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate this proposal. It is presumed that all interested parties and agencies will respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposal.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination for this proposal. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to approve the KYTC SWUMBI and the KYTC Boston Wetland and Stream Mitigation Bank Site.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Dr. Patricia A. Grace-Jarrett, Ph. D., CELRL-OPF-S at the address noted above and should refer to the Public Notice Numbers LRL-2014-00685-pgj, LRN-2016-00176, and LRL-2015-01021-pgj.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID Nos. LRL-2014-00685-pgj, LRN-2016-00176, and LRL-2015-01021-pgj.

Example:

Subject: LRL-2014-00685-pgj, LRN-2016-00176, and
LRL-2015-01021-pgj

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

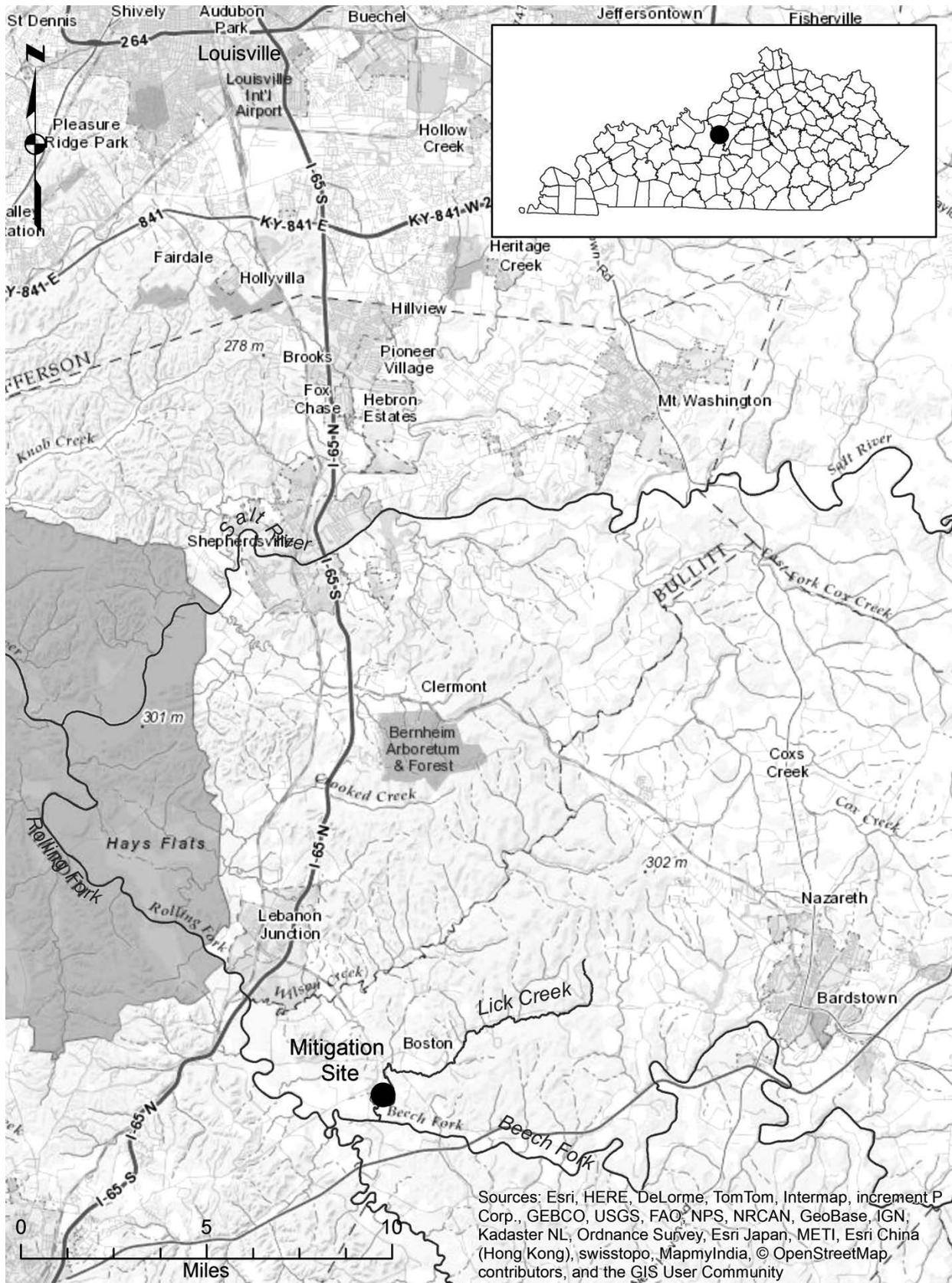


Figure 1 Site location map.

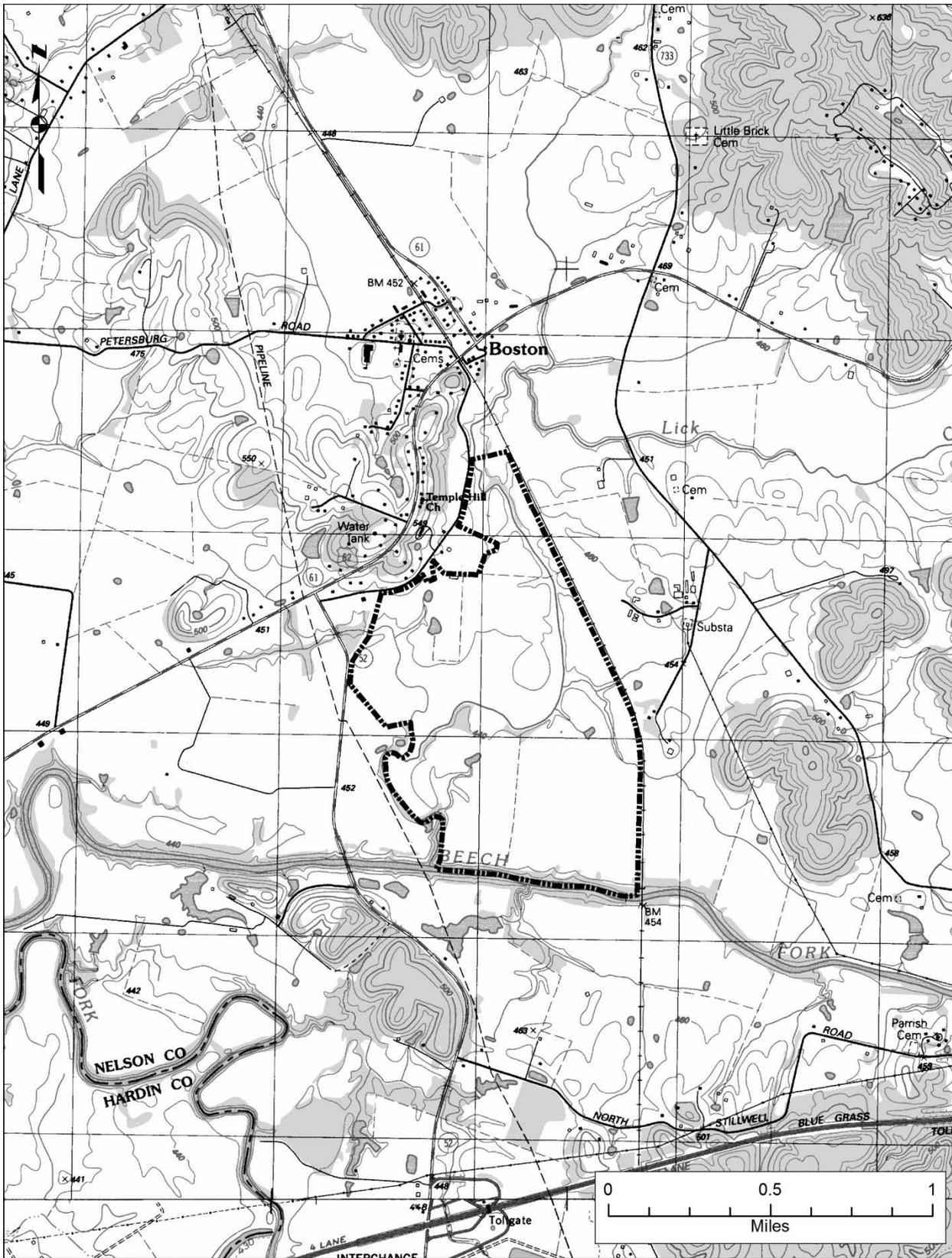


Figure 2 USGS (1991) 7.5-minute quadrangle topographic map of mitigation site and surrounding area. Property boundary is indicated by the thick dashed line in the center of the figure.

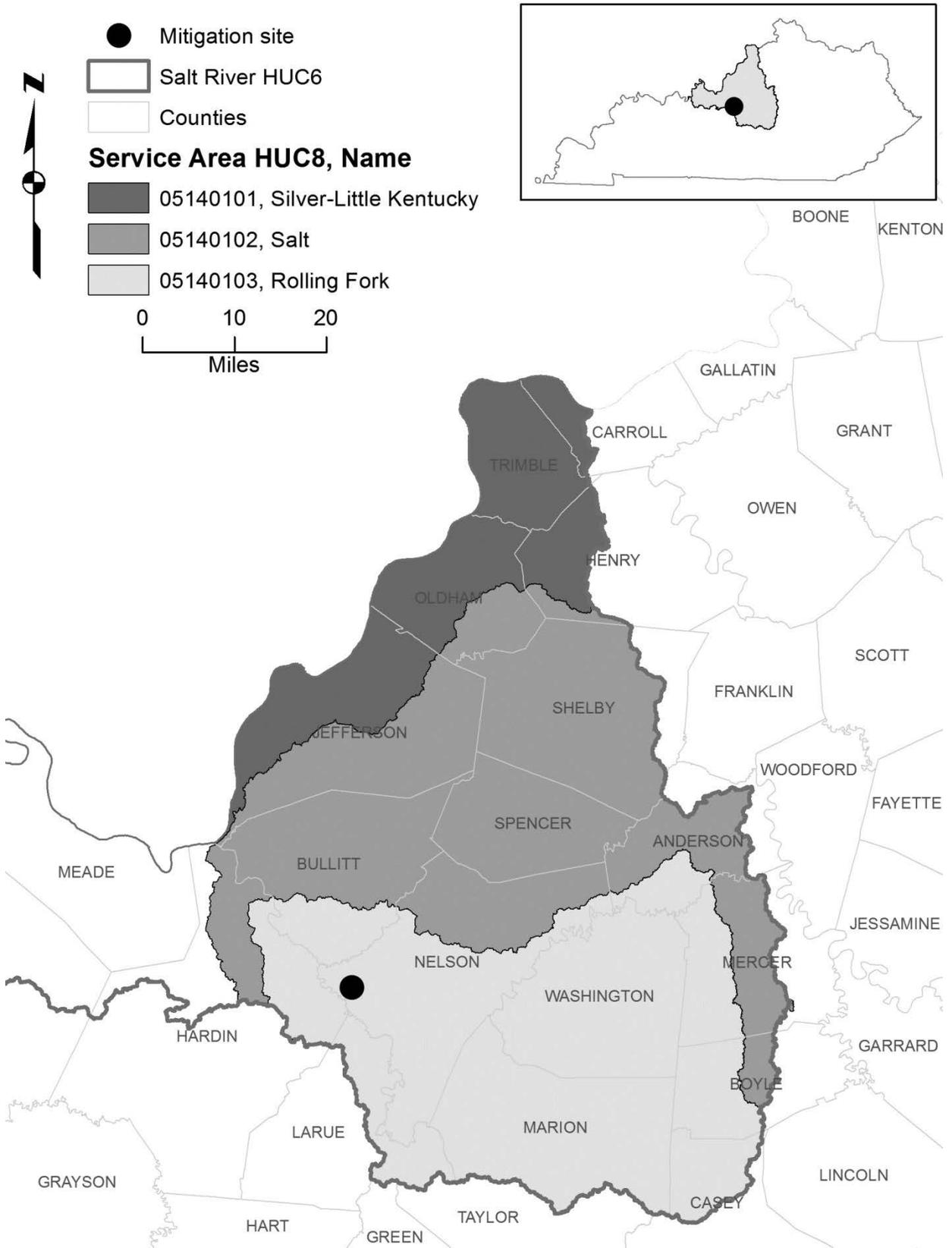


Figure 3 Proposed service area.