



Public Notice

US Army Corps of Engineers

Louisville, Nashville,
Memphis and Huntington
Districts ®

Public Notice No.

LRL-2010-325

Date:

13 Jan 2012

Closing Date:

N/A

Please address all inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Dr. Patricia A. Grace-Jarrett, Ph.D., CELRL-OP-FS, Rm 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502)315-6687

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

This notice announces that on December 6, 2011, 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-Number One of the Agreement Concerning In-Lieu Mitigation Fees Between: U.S. Army Corps of Engineers & Kentucky Department of Fish and Wildlife Resources"). This modification was submitted by the Sponsor, KDFWR, to the Corps on October 4, 2011, and 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 Ms. Shannon MacDonald at (502) 564-5101 or by writing to Ms. MacDonald at Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, 40601, to determine mitigation credit availability and credit fee structure. Please note that, in accordance with the Mitigation Rule, the cost per mitigation credit is set by the Sponsor.

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EFFECTIVE DATE:

For projects proposing purchase of mitigation credits from the KDFWR ILF Program, all applications submitted on or after the date of this notice shall be subject to the terms and conditions set forth in the approved KDFWR ILF Instrument, including the new fee structure.

SERVICE AREA:

The Service Area for the KDFWR ILF Program includes the Commonwealth of Kentucky except for the following nine northern counties: Boone, Kenton, Campbell, Carroll, Gallatin, Grant, Pendleton, Bracken, and Mason. Exhibit 1 depicting the KDFWR Service Area can be found on page 27 of the KDFWR ILF Instrument.

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/orf/listnotices.asp>. Questions regarding the KDFWR ILF Instrument should be directed to Dr. Patricia A. Grace-Jarrett, Ph.D., CELRL-OP-FS, at the address noted above and should refer to the Public Notice Number LRL-2010-325.