



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2018-465

Date:
13 Jul 2018

Closing Date:
13 Aug 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Layna Thrush, CELRL-RDS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6714

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

APPLICANT: Tennessee Gas Pipeline Company, LLC

LOCATION: Perennial Bays Fork, located northeast of Relius Oliver Road near Scottsville Allen County, Kentucky.

Latitude: 36.8213° (N)
Longitude: -86.27493° (W)
7.5 Minute Quad: Allen Springs KY

PURPOSE: Stream bank stabilization.

DESCRIPTION OF WORK: The Tennessee Gas Pipeline Company, LLC proposes to stabilize approximately 180 linear feet of the eastern stream bank of Bays Fork in order to avoid exposing three natural gas pipelines within the area. The applicant proposes to stabilize the stream bank by excavating approximately 305 cubic yards of material along the western half of the stream channel, where the material has collected, and redistribute it to the eastern stream bank. In order to hold the redistributed material in place the applicant also proposes to place approximately 258 cubic yards of armor stone and 135 cubic yards of bedding stone along the restored portion of the eastern stream bank. The applicant also proposes to use timber mats within an unnamed, intermittent tributary to Bays Fork in order allow equipment to access the workspace. This would be a temporary crossing and the timber mats would be removed once the project was complete.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: During the jurisdictional determination process, it was determined that 180 linear feet of perennial, Bays Fork and 100 linear feet of an unnamed intermittent tributary exist within the project area. An alternative was chosen that would minimize impacts to these waters resulting in the aforementioned proposed impact totals.

MITIGATION: Since this is a stream bank stabilization project the mitigation proposed would include the planting of native trees and shrubs along the stream bank to help stabilize the area.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register that would be directly affected by the proposed activities. With respect to other sites not currently listed on the Register, if we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include

application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

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 the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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 on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

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 Layna Thrush; CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2018-465.

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 No. LRL-2018-465-let

Example: LRL-2018-465-let (subject)

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.

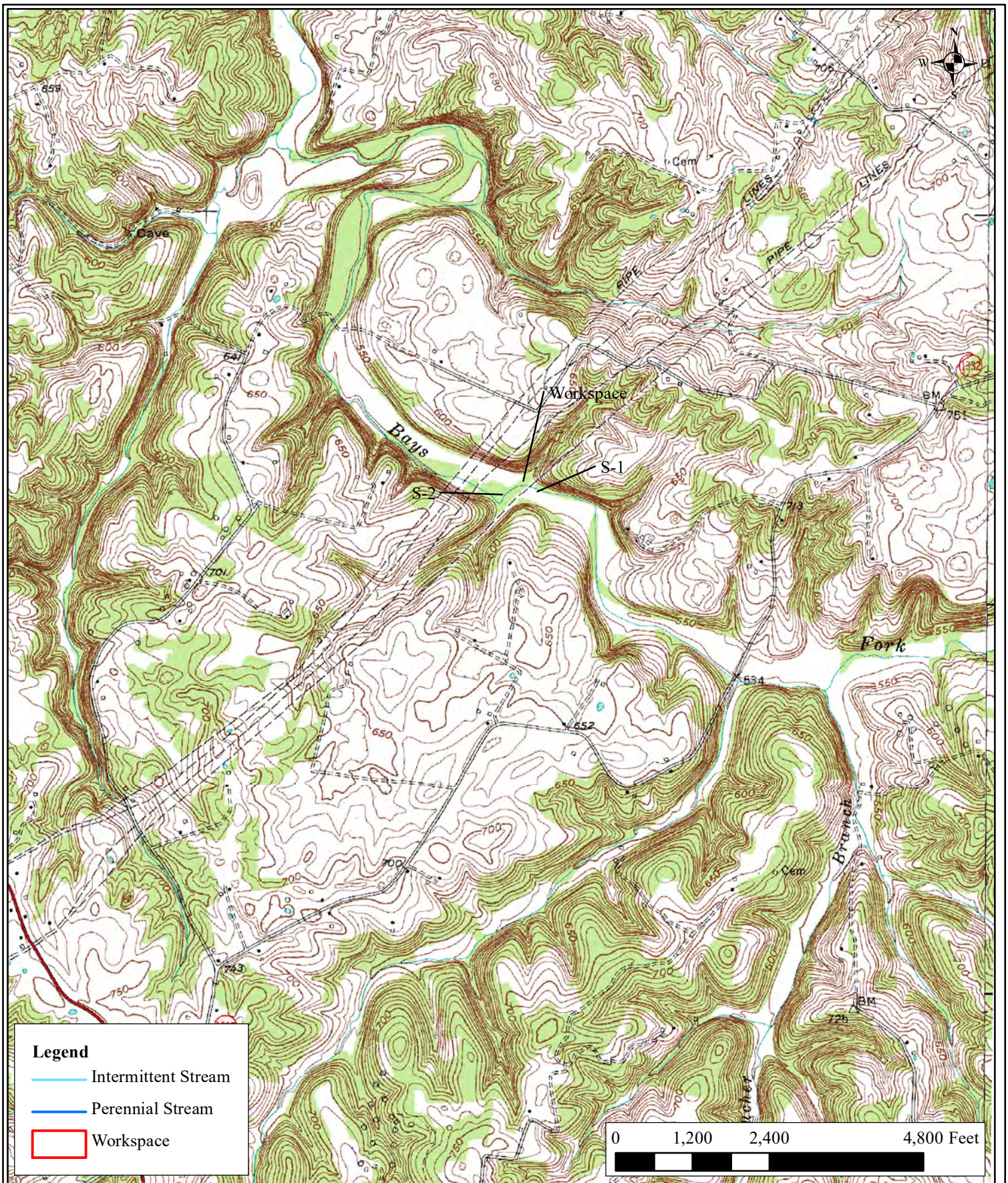


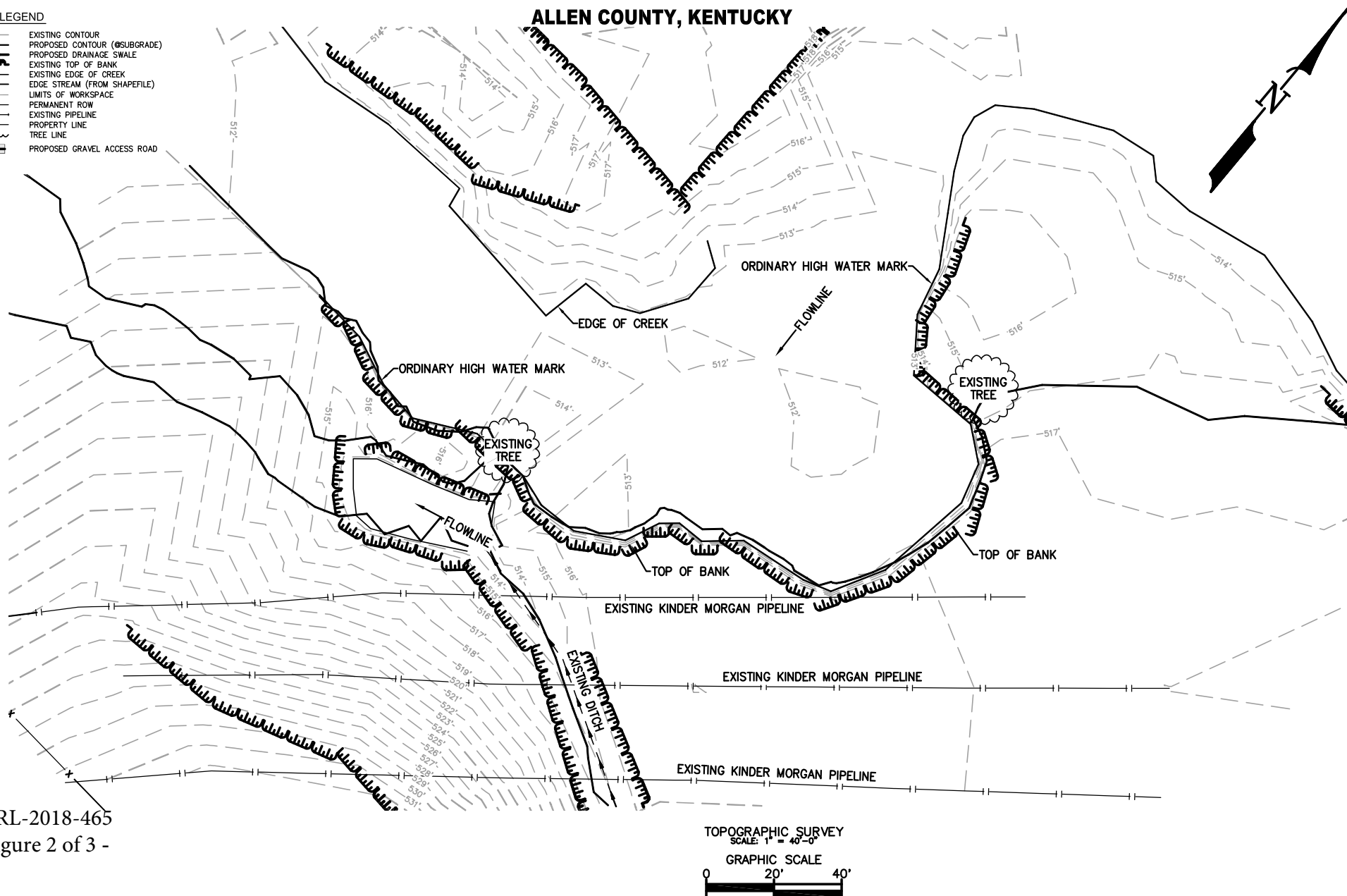
Figure 1
LRL-2018-465
Figure 1 of 3 -

Tennessee Gas Pipeline Company, LLC
MLV 89-1 Bays Fork Bank Stabilization Project
Allen County, Kentucky

USGS 7.5-Minute Topographic Map
with NWI and FEMA Overlay
Allen Springs, Kentucky Quadrangle
Environment & Archaeology
LLC

LEGEND

101' +	EXISTING CONTOUR
101'	PROPOSED CONTOUR (@SUBGRADE)
	PROPOSED DRAINAGE SWALE
	EXISTING TOP OF BANK
	EXISTING EDGE OF CREEK
	EDGE STREAM (FROM SHAPEFILE)
	LIMITS OF WORKSPACE
	PERMANENT ROW
	EXISTING PIPELINE
	PROPERTY LINE
	TREE LINE
	PROPOSED GRAVEL ACCESS ROAD



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Figure 2 of 3 -

1	06/2018	JSD		ISSUED FOR FINAL	MM	06/2018
0	06/2018	JSD		ISSUED FOR REVIEW	MM	06/2018
NO.	DATE	BY	A/E	DESCRIPTION	ENGR.	DATE
REVISIONS						

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**MOTT
MACDONALD**

**2343 Alexandria Drive
Suite 320, Lexington, KY 40504
Telephone: +1 859 629 3520
Engineering Permit No: 2377**

KINDER MORGAN
NATURAL GAS PIPELINE COMPANY OF AMERICA
TOPOGRAPHIC SURVEY

**KINDER MORGAN
CREEK EXPOSURES PROJECT
BAYS FORK CREEK**

DRAWING NO.

TO-QX6-100-1-187

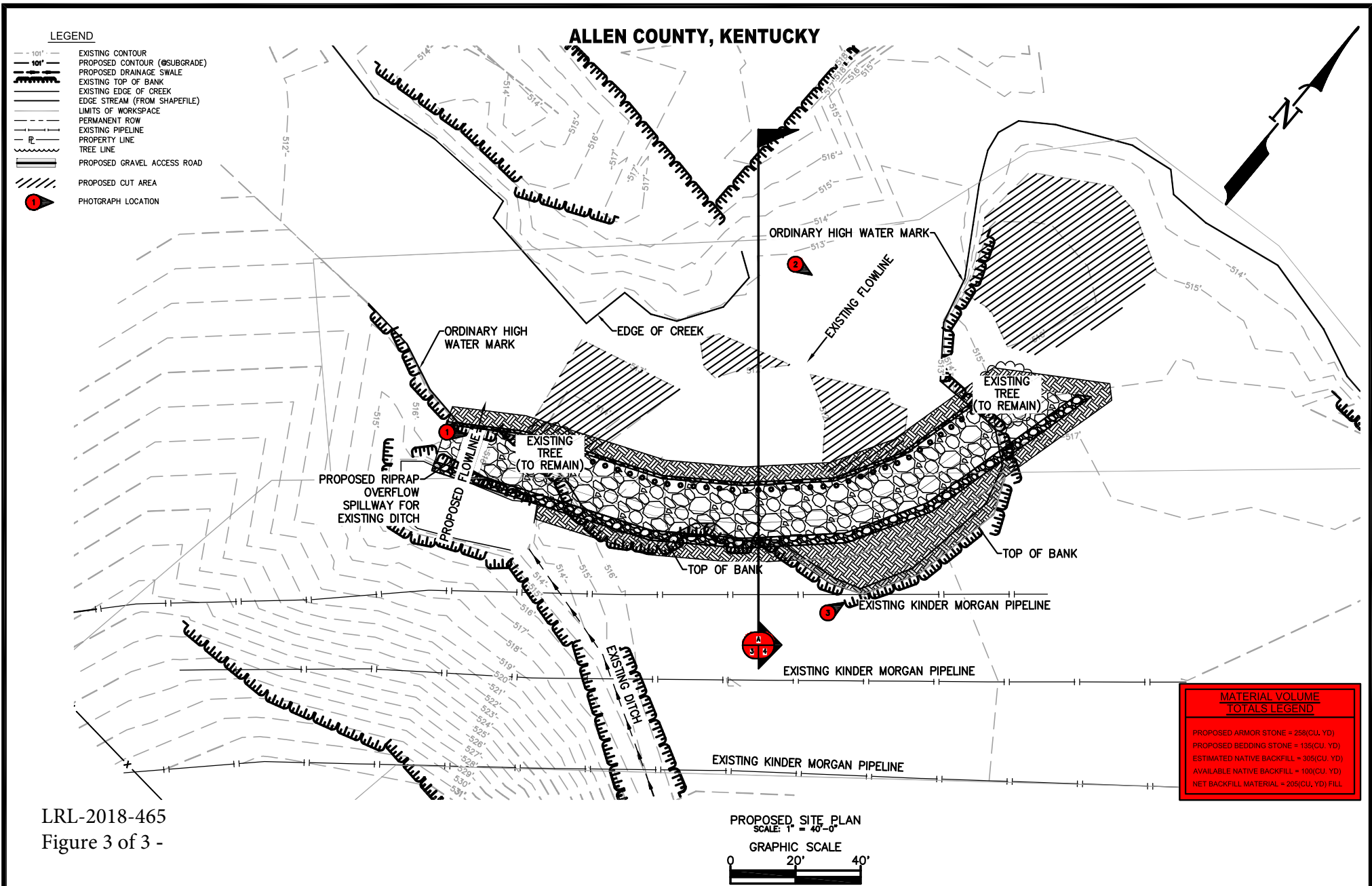
SCALE	DATE
1"=40'	

1 OF 1

APPROVED BY

DRAWING SIZE

A



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Figure 3 of 3 -

NO.	DATE	BY	APP	DESCRIPTION	ENGR.	DATE
1	06/2018	JSD		ISSUED FOR FINAL	MM	06/2018
0	06/2018	JSD		ISSUED FOR REVIEW	MM	06/2018
REVISIONS						

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MOTT MACDONALD

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Suite 320, Lexington, KY 40504
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KINDER MORGAN
NATURAL GAS PIPELINE COMPANY OF AMERICA

PROPOSED SITE PLAN

APPROVED BY _____ DRAWING SIZE **A**

KINDER MORGAN CREEK EXPOSURES PROJECT BAYS FORK CREEK

DRAWING NO. **TO-T6-100-1-187D**

SCALE 1" = 40' DATE _____

1 OF 1