<<Date>>

Operations Division

Regulatory Branch ()

ID No. << >>

Mr./Ms. <<Name of Permittee>>  
<<Permittee Title>>  
<<Permittee Address>>

<<City, State, Zip Code>>

Dear Mr. <<Permittee Name>>:

This is in regard to your application for a Department of the Army (DA) permit dated <<date of application>>, concerning a plan to <<insert brief project description, service area/watershed, city, county and state>> and your request for modification of the “Agreement Concerning In-Lieu Mitigation Fees Between U.S. Army Corps of Engineers & Kentucky Department of Fish and Wildlife Resources” (“ILF Instrument”), LRL-2010-325. We have reviewed your application and have made the following determinations: the work is minor in nature, it will not have a significant impact on the environment, it should encounter no opposition, and is consistent with the “Letter of Permission New Mitigation Projects Associated with Approved Compensatory Mitigation Banking and In-Lieu Fee Instruments”, LRL-2010-323. In addition, we have reviewed your request for modification of your ILF Instrument and determined that it is consistent with the process outlined in your ILF Instrument, as well as with 33 CFR 332.

Based on these determinations, your proposed work satisfies the Letter of Permission criteria, as specified in our regulations. Therefore, you are authorized, in accordance with 33 USC 1344 <<and 33 USC 403 if Section 10>>, to <<describe the permanent impacts to “waters of the U.S.” associated with the project>>. This authorization also includes <<brief description>> temporary impacts. This permission is granted with the following conditions:

1. That the work shall be constructed in accordance with the approved project Mitigation Plan, titled: “<<insert title of the approve mitigation plan>>, dated <<insert date>>.
2. You shall comply with the conditions of the Section 401 Water Quality Certification <<insert WQC I.D. >>, issued by the Kentucky Division of Water on <<date of WQC>>.

2. You shall restrict tree cutting to the period between October 15 and March 31. Should you need to cut trees outside of this period, you will contact the Corps and the U.S. Fish and Wildlife Service for further consultation. <<eliminate if no Indiana bat habitat or replace with language requiring implementation of Indiana bat MOA>>.

3. You shall <<insert other conditions as necessary, such as: avoidance of known cultural resource sites, etc.>>

4. Upon completion of construction you are to notify the District Engineer. The enclosed Completion Report form must be completed and returned to this office.

5. You must agree to comply with the enclosed General Conditions.

6. The time limit for completing the authorized work ends on <<**insert date – up to three years>>**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.

This authorization will be effective as soon as we receive your signed acceptance of these conditions. Please sign and date the duplicate copy of this letter in the space provided and return the signed copy in the enclosed envelope. Note that we also perform periodic inspections to ensure compliance with our permit conditions and appropriate Federal laws.

Your request for modification to your ILF Instrument has also been approved. Please sign and date the attached “Approval of Instrument Modification” in the space provided and return the signed copy in the enclosed envelope. Your modification will be effective as soon as we receive your signed acceptance of the modification.

This letter contains a proffered permit for the <<insert name of project>> project. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

US Army Corps of Engineers

ATTN: Appeal Review Officer CELRD-PD-REG

550 Main Street - RM 10524

Cincinnati, OH 45202-3222

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by <<**insert date 60 calendar days from date of permit>>**.

This letter also contains a preliminary <<or an approved>> Jurisdictional Determination (JD). However, a preliminary JD is not appealable and impacting “waters of the U.S.” identified in the preliminary JD will result in you waiving the right to request an approved JD at a later date. An approved JD may be requested (which may be appealed), by contacting me for further instruction.

It is not necessary to submit an RFA form to the Division office if you do not object to the decision in this letter.

Copies of this letter will be sent to the Interagency Review Team and the <<insert other agencies, such as the Kentucky State Historic Preservation Officer>>.

FOR THE DISTRICT ENGINEER:

<<Name>>

Enclosures

(I accept the conditions of this authorization):

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<<Permittee Name>> Date

<<organization/agency, etc.>>

<<PM Name>>

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Revised date 23 Oct 2012

**Approval of Instrument Modification**

Modification Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the “Agreement Concerning In-Lieu Mitigation Fees Between U.S. Army Corps of Engineers & Kentucky Department of Fish and Wildlife Resources” LRL-2010-325 and Approval of “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”, LRL-2012-xxx .

Corps of Engineers & Sponsors Signatures

James M Townsend Date

Chief, Regulatory Branch

Louisville District

Dr. Jonathan Gassett Date

Commissioner

Kentucky Department of Fish and Wildlife Resources

IRT Signatures

Barbara Scott Date

401 Supervisor

Kentucky Division of Water

Virgil Lee Andrews, Jr. Date

Field Supervisor

United States Fish and Wildlife Service

Duncan M. Powell Date

Chief, Mining Section

Wetlands, Coastal and Oceans Branch

United States Environmental Protection Agency

Appendix <<B or D>>: List of Approved Compensatory Mitigation Projects

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Table of Corps Approved Mitigation Projects: <<Name of Program >> Mitigation Program | | | | | |  |  |
| **PROJECT** | **County** | **Service Area** | **Instrument Mod. No.** | **Corps ID No.** | **Corps Approval Date** | **KDOW ID No.** | **KDOW Approval Date** |
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Addresses for Coordinating Agencies

Mr. Virgil Lee Andrews, Field Supervisor

U.S. Fish & Wildlife Service

J.C. Watts Federal Building, Room 265

330 West Broadway

Frankfort, Kentuck 40601

Mr. Lindy Casebier

Acting Executive Director and State Historic Preservation Officer

300 Washington Street

Frankfort, Kentucky 40601

Mr. Mike Hardin

Assistant Director, Division of Fisheries

Kentucky Dept. of Fish & Wildlife Resources

#1 Sportsman's Lane

Frankfort, Kentucky 40601

Mr. Duncan Powell

U.S. Environmental Protection Agency, Region 4

Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW

Atlanta, Georgia 30303-8960

Ms. Barbara Scott

Kentucky Environmental and Public Protection Cabinet

401 Supervisor

Division of Water

200 Fair Oaks Lane, 4th Floor

Frankfort, Kentucky 40601