



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

July 26, 2016

U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Via email to: NWP2017@usace.army.mil

RE: Docket # COE-2015-0017
Proposal to Reissue and Modify Nationwide Permits

To whom it may concern:

The Kentucky Division of Water (the Division) appreciates the opportunity to comment on the proposal to reissue and modify nationwide permits (NWP) from the U.S. Army Corps of Engineers ("the Corps"). The re-issuance of the NWPs in a timely manner is critical for the state Clean Water Act §401/Water Quality Certification programs. The Division recommend that the Corps finalize these NWPs prior to the expiration of the 2012 NWPs.

Nationwide Permits # 19 and 35

The Division supports requiring the disposal of dredged material in upland sites rather than within waters to help ensure minimal environmental impacts.

Proposed Nationwide Permit A. Removal of Low-Head Dams

The Division supports a NWP for the removal of low-head dams. The removal of low-head dams is becoming more common as communities desire to return streams to natural flow gradients and address safety concerns. A NWP for this activity will provide appropriate guidance to communities undertaking these efforts and provide an efficient permitting process for communities that otherwise have limited resources.

Proposed Nationwide Permit B. Living Shorelines

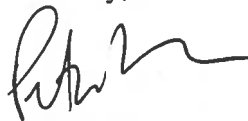
The Division respectfully requests that the Corps offer clarification on the applicability of the newly proposed Nationwide Permit B to inland waters.

Nationwide Permits #12, 14, 21, 29, 39, 42, 43, 44, 50, 41, and 52

According to the Federal Register notice, 89% of authorized impacts to jurisdictional waters under both general and individual permits were less than 0.5 acres. This suggests that increasing acreage limits under the NWP would not significantly change permit workload or provide significant additional flexibility to the regulated public. Limiting projects to 0.5 acres as qualifying for the NWP encourages applicants to limit the impacts of permitted projects while making available the option of a NWP which is appropriate, convenient and efficient.

The Division appreciates the opportunity to comment on the proposed NWPs and looks forward to commenting on the final proposed changes to the NWPs. The Division wants to emphasize that the issuance of new NWPs prior to the expiration of the 2012 NWPs is critical to the proper function of the state Clean Water Act §401/Water Quality Certification programs. The Division appreciates the USACE's efforts to finalize the NWPs in a timely manner.

Sincerely,



Peter T. Goodman, Director
Division of Water

PTG/cjc

c: Andrea Keatley
Stephanie Hayes