



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT**  
**600 DR. MARTIN LUTHER KING JR PL**  
**LOUISVILLE, KY 40202**

December 30, 2020

Regulatory Division  
South Branch  
ID No. LRL-2020-00628

Jefferson County Public Schools  
Attn: Ms. Susan Biasioli  
Director of Facility Planning  
3001 Crittenden Drive, Building 1  
Louisville, Kentucky 40209

Dear Ms. Biasioli:

This is in response to your request for authorization to construct the Echo Trail School Site which includes three classroom/activity buildings along with associated roads and parking to accommodate cars and busses; utilities; stormwater management; and other required infrastructure on a 40-acre site in Louisville, Jefferson County, Kentucky (Latitude: 38.204657° ; Longitude: -85.468274°). The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project is considered a discharge of dredged and/or fill material associated with construction or expansion of commercial and institutional developments. The project is authorized under the provisions of 33 CFR 330 Nationwide Permit (NWP) No. 39, Commercial and Institutional Developments, as published in the Federal Register January 6, 2017. Under the provisions of this authorization you must comply with the enclosed Terms and General Conditions for Nationwide Permit No. 39, and the following Special Conditions:

1. Tree clearing shall not occur during the occupied timeframe from April 1 to October 14 to minimize adverse effects to the federally-listed northern long-eared bat and the Indiana bat. To mitigate for the loss of 2.43 acres of potential suitable roost trees, the permittee shall follow the process outlined in the Kentucky Field Office's (KFO) 2016 Revised Conservation Strategy for Forest-Dwelling Bats (Conservation Strategy) and provide receipt of an appropriate contribution to the Imperiled Bat Conservation Fund (IBCF). The Permittee shall contact the KFO of the U.S. Fish and Wildlife Service (USFWS) by calling (502) 695-0468 to determine the appropriate mitigation in accordance with the Conservation Strategy. The Permittee shall provide the Corps with a receipt of payment prior to any tree removal. If additional forested areas not previously considered in the DA permit application are to be cleared, the Permittee shall notify the Corps and the USFWS in advance of any additional tree clearing to determine if re-initiation of Endangered Species Act consultation is required.

This project complies with the enclosed General Water Quality Certification (WQC) and Conditions for NWP No. 39 issued by the Kentucky Division of Water on March 19, 2017. You may proceed with the project without further contact or verification from us.

This verification is valid until March 18, 2022. The enclosed Compliance Certification must be submitted to the District Engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later. Note that we also perform periodic inspections to ensure compliance with our permit conditions and applicable Federal laws. A copy of this letter will be forwarded to your agent and to the KDOW.

If you have any questions, please contact us by writing to the District Regulatory Office at the above address, ATTN: CELRL-RDS, or contact me directly at [Click here to enter text](#) or [matt.a.dennis@usace.army.mil](mailto:matt.a.dennis@usace.army.mil). Any correspondence on this matter should refer to our ID Number LRL-2020-00628.

Sincerely,

Matt Dennis  
Senior Project Manager  
Regulatory Division

Enclosures

COORDINATING AGENCY

Ms. Beth Harrod  
Kentucky Energy & Environment Cabinet  
Division of Water  
300 Sower Boulevard  
Frankfort, Kentucky 40601

AGENT

Ron Thomas  
Redwing Ecological Services, Inc.  
1139 South Fourth Street  
Louisville, KY 40203

**Compliance Certification:**

**Permit Number: LRL-2020-00624**

**Name of Permittee: Jefferson County Public Schools**

**Date of Issuance: December 30, 2020**

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers  
CELRL-RDS  
P.O. Box 59  
Louisville, Kentucky 40201

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date