

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

# Public Notice

Public Notice No.  
LRL-2014-725-mdh

Open Date:  
30 Dec 2014

Close Date:  
29 Jan 2015

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

Phone: 502-315-6676

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

**APPLICANT:** Seven N Lake, LLC.  
1360 East John Rowan Drive  
Bardstown, Kentucky 40004

**AGENT:** P&A Engineers & Consultants, Inc.  
P.O. Box 279  
Louisa, Kentucky 41230

**LOCATION:** Three intermittent stream channels located approximately 6.5 miles northeast of the City of Bardstown, Nelson County, Kentucky along Highway 162.

Latitude: 37°-51'-07" (N)  
Longitude: 85°-22'-39" (W)  
7.5 Minute Quad: Bardstown, Kentucky.

**PURPOSE:** Lake construction.

**DESCRIPTION OF WORK:** The applicant proposes to impact approximately 2,346 linear feet of three (3) intermittent stream channels (tributaries of the West Fork of Simpson Creek) for the purpose of constructing a 7.40-acre lake (see *Table 1*). To create the impoundment, 11,793 cubic yards of earthen material (on-site excavated) would be used to build a berm structure (6.78 cubic yards within the Ordinary Highwater Mark of Stream A) impacting 101 linear feet of channel. A culvert and spillway are also proposed. The lake is proposed as a source for crop irrigation, cattle watering, waterfowl attraction and aquatic habitat. (See *Figures 1-2*, attached).

**Table 1** (Proposed Impacts):

Stream	Type	Quality	Ratio	Impact Type	Linear Feet	Final Adj. Impacts (LF x Ratio)
A	I	Poor	1.0	Fill	101	101.00
A	I	Poor	1.0	Inundation	954	954.00
C	I	Poor	1.0	Inundation	507	507.00
D	I	Poor	1.0	Inundation	784	784.00
TOTAL					2,346	2,346.00

I= Intermittent

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The applicant also considered two other larger lake configurations, but reduced the overall size, thus minimizing stream impacts. However, to achieve the stated purposes, additional avoidance and minimization measures were not considered practicable. To mitigate for the remaining unavoidable intermittent stream impacts, the applicant proposes on-site permittee responsible mitigation through the restoration of 3,462 linear feet of an adjacent intermittent stream channel (Stream B) (see *Table 2*).

**Table 2** (Proposed Mitigation):

Stream	Type	Initial Quality	Initial Ratio	Final Type	Final Quality	Final Ratio	Stream Mitigation Type	Linear Feet
B	I	Poor	1.00	I	Excellent	2.00	Intermittent stream restoration with Natural Channel Design and 25' buffer on each side of channel.	3,462

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 must apply for State certification from the Kentucky Energy and Environment 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 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

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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 C.F.R. 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. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. 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/orf/listnotices.asp>. All comments regarding this proposal should be addressed to Mr. Michael Hasty, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2014-725-mdh.

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-2014-725-mdh.

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Example:

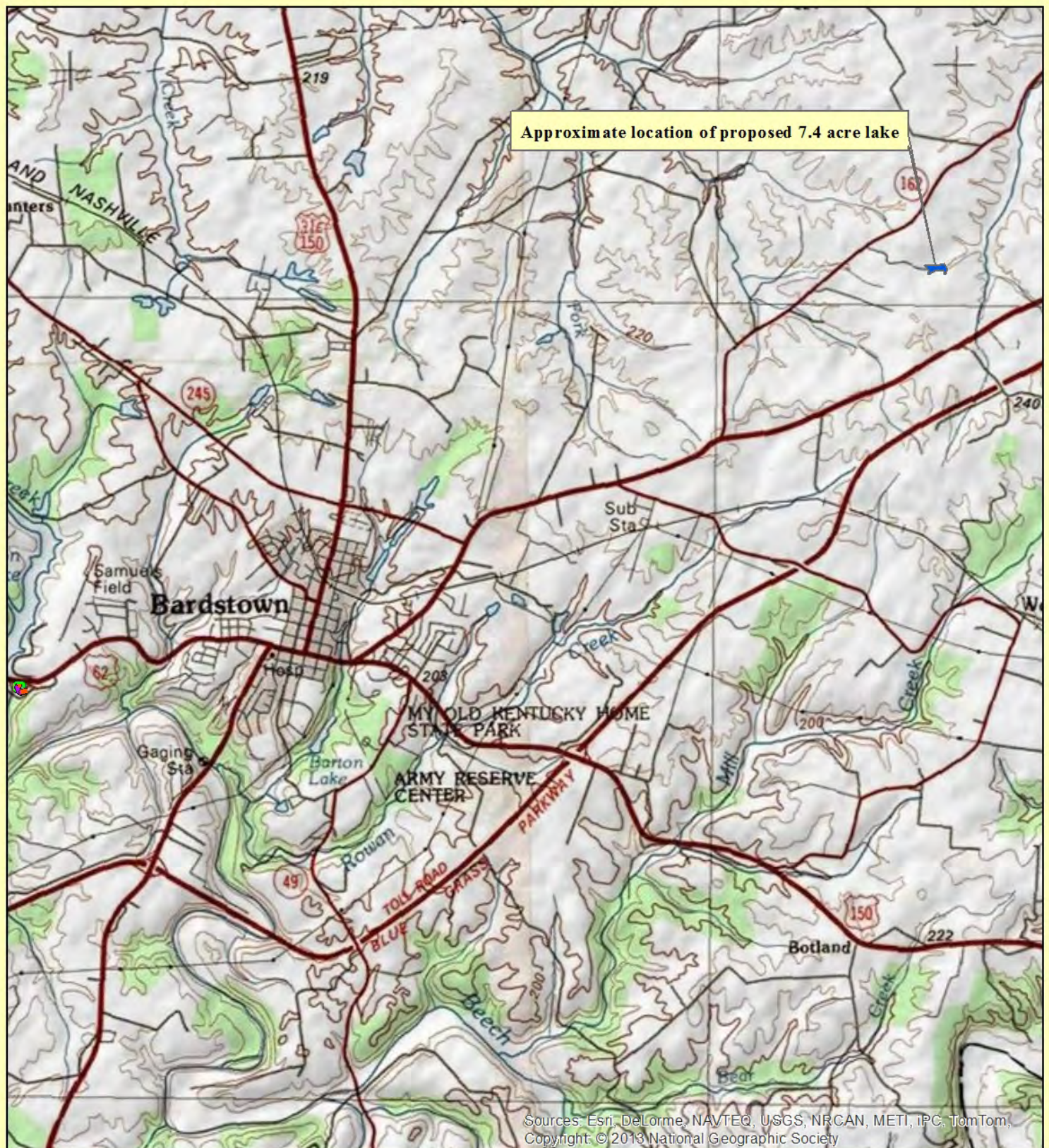
Subject LRL-2014-725-mdh

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

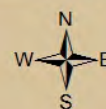
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



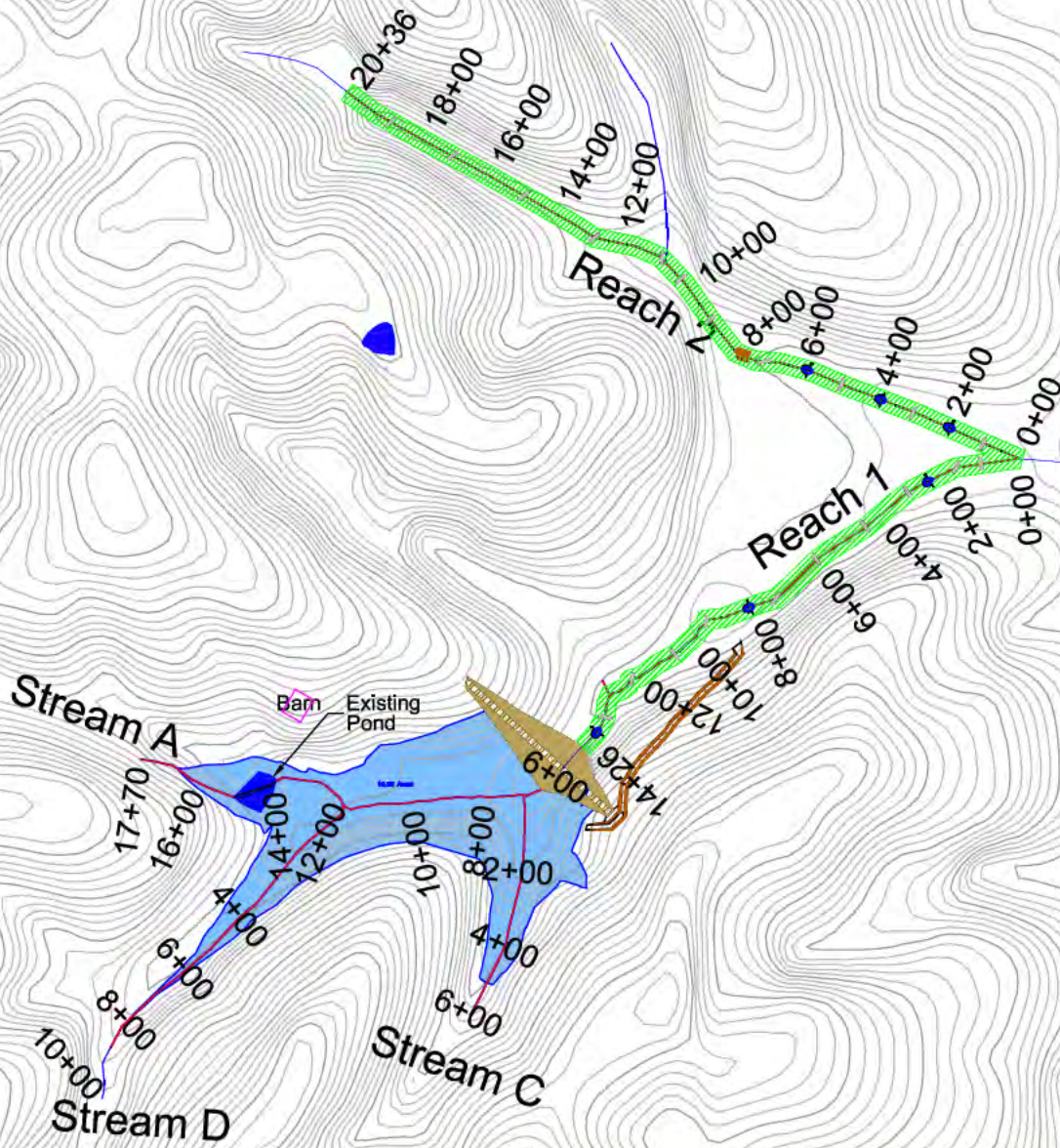


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**Figure 1 - LRL-2014-725-mdh  
Proposed "Seven N Lake"  
Nelson County, Kentucky**







LEGEND			
	STREAM CHANNEL		PROPOSED RESTORATION AREA
	PROPOSED NORMAL POOL		PROPOSED IMPOUNDMENT STRUCTURE
	EXISTING POND		STRUCTURE

 <b>ENGINEERS &amp; CONSULTANTS</b> P.O. Box 279 Louisa, KY 41230 (606) 673-4413	Prepared by:
	<b>Seven N, LLC</b>
	1360 East John Rowan Bardstown, Ky. 40004
	<b>Seven N Lake</b>
	<b>PROJECT LOCATION MAP</b>