



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

Public Notice

Public Notice No.
LRL-2009-127-mck

Open Date:
4 Aug 2015

Close Date:
3 Sep 2015

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

Phone: 502-315-6709

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

APPLICANT: Rolling Acres Farm, LLC
960 South Preston Highway
Shepherdsville, Kentucky 40165

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

LOCATION: Wetlands, ephemeral and intermittent streams to Buffalo Run and Buffalo Run, on an approximately 98-acre site, located south of the intersection of KY Highway 480 and Interstate 65 (I-65) in Bullitt County, Kentucky.

Latitude: 37.976272°N
Longitude: 85.692054°W
7.5 Minute Quad: KY-SHEPHERDSVILLE

PURPOSE: To provide light industrial/warehouse development and associated infrastructure along the I-65 and KY Highway 480 corridor in Bullitt County, Kentucky.

DESCRIPTION OF WORK: The applicant is requesting an after-the-fact permit to retain fill material that was placed in 1.11 acres of emergent wetlands. The applicant is also proposing to place clean fill material obtained from onsite and offsite into an additional 5.27 acres of emergent wetlands, 35 linear feet (0.001 acre) of an unnamed ephemeral tributary to Buffalo Run and 60 linear feet (0.01 acre) of an unnamed intermittent tributary to Buffalo run to facilitate the construction of a light industrial/warehouse development with associated roads, parking and infrastructure.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant indicates there is no alternative to avoid the placement of fill material into "waters of the United States (U.S.)." The applicant

proposes that approximately 6.73 acres of compensatory mitigation would be provided through the establishment of emergent wetlands located on a site approximately 1.5 miles south of the proposed development within the same watershed of Buffalo Run. Mitigation activities would include excavation/grading, filling the existing pond to create a shallow wetland and grading the upland areas to create the appropriate slope, invasive species treatment and native wetland plant establishment. The proposed off-site mitigation would be monitored for a minimum of five years and would be protected through a conservation easement.

In addition to the proposed off-site mitigation, the applicant proposes to purchase 6.0 Adjusted Mitigation Units (AMUs) of wetland credit and 60 AMUs of stream credit from an approved mitigation bank or from the Kentucky Department of Fish and Wildlife Resources (KDFWR) Stream and Wetland Restoration In-Lieu Fee Program to mitigate for the remaining wetland and intermittent stream impacts. The applicant proposes to mitigate for impacts to the ephemeral stream through the installation of an onsite stormwater management system.

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 National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we

Operations Division
Regulatory Branch (South)
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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. 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.

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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 Ms. Meagan Knuckles, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2009-127-mck.

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-2009-127-mck.

Example:

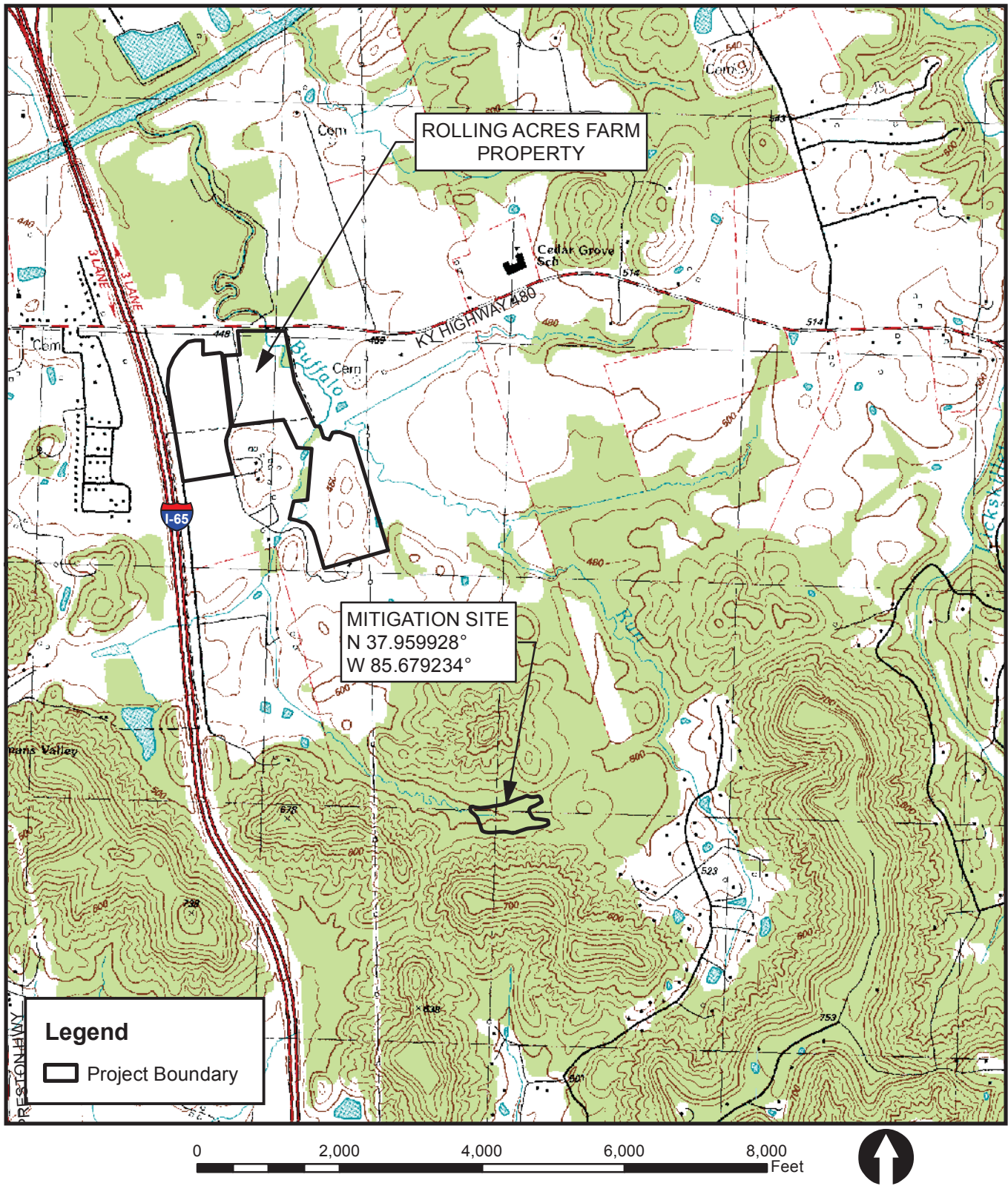
Subject: LRL-2009-127-mck

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.

Source: USGS 7.5-minute Topographic Map, Shepherdsville, Kentucky Quadrangle.



P:\2015 Projects\15-033-Rolling Acres Farm\Figures\IP\Mitigation Site Map.mxd, 05-22-2015, ebowman

ROLLING ACRES FARM MITIGATION
BULLITT COUNTY, KENTUCKY



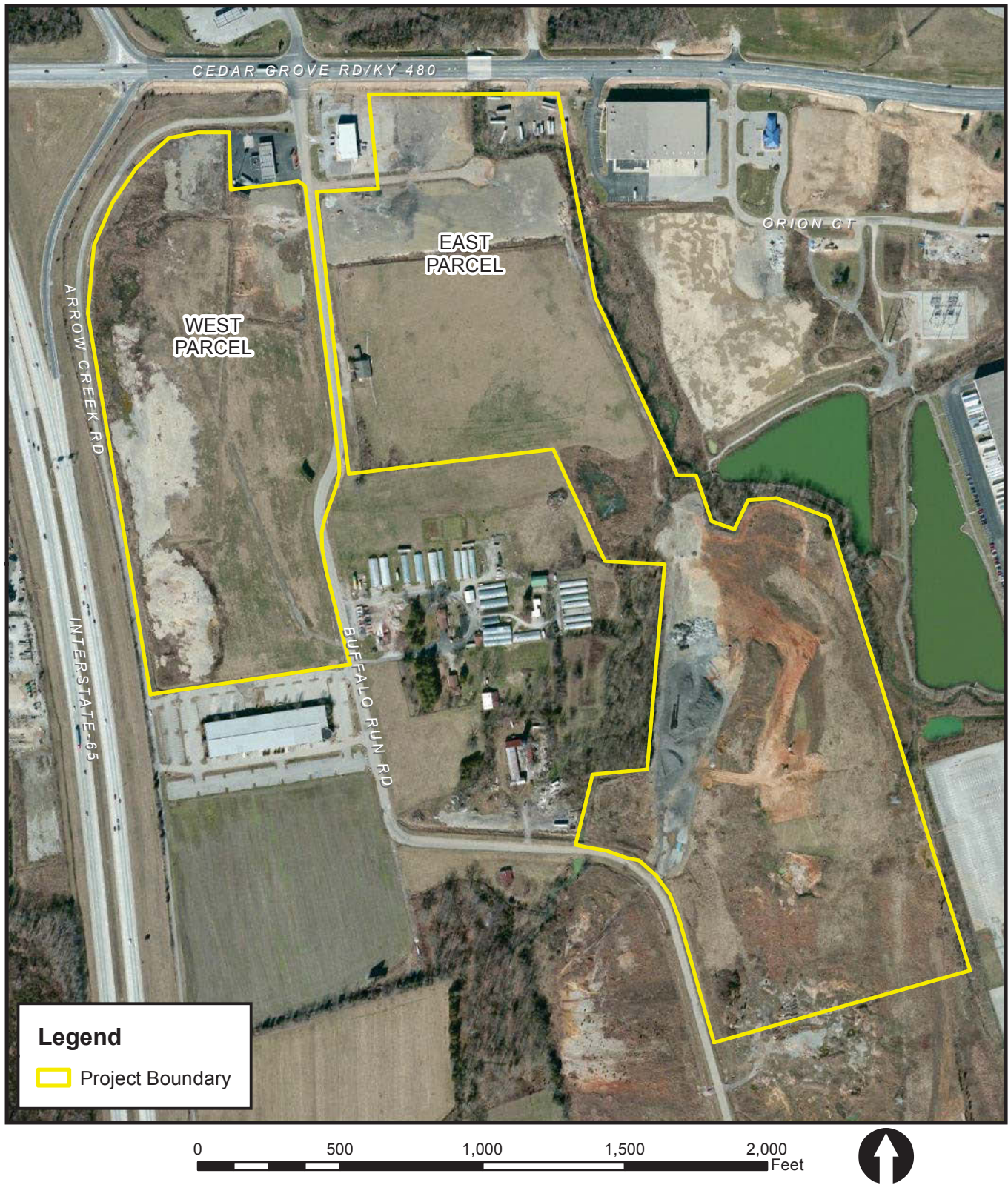
MITIGATION SITE
LOCATION MAP

REVISED DATE: 05-15-15

DRAWN BY: SCB/EDB

FIGURE 8

Source: World Imagery - Esri and the GIS User Community (2012).



P:\2015 Projects\15-033-Rolling Acres Farm\Figures\PAerial.mxd, 05-22-2015, ebowman

ROLLING ACRES FARM PROPERTY
BULLITT COUNTY, KENTUCKY

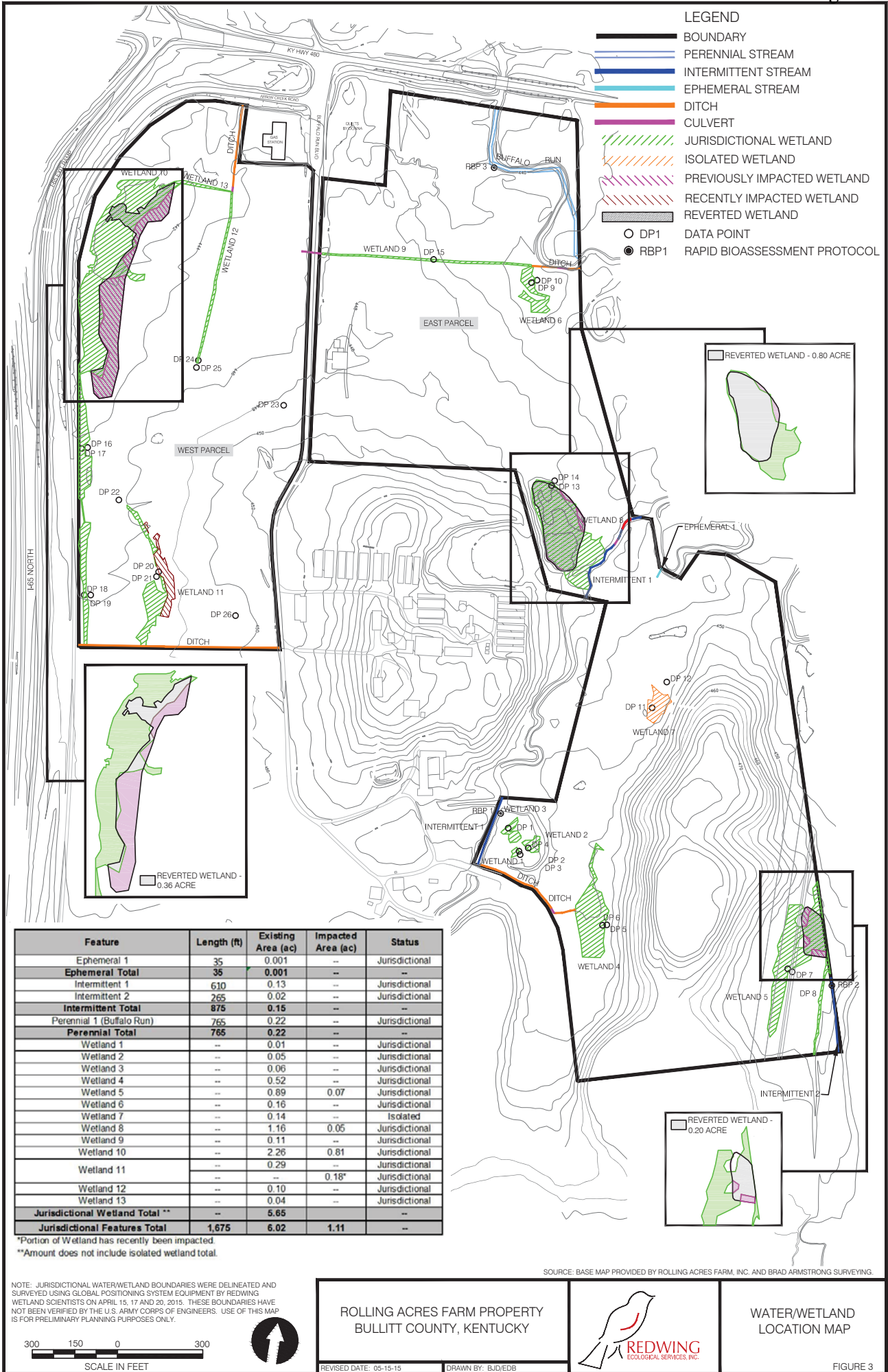


AERIAL PHOTOGRAPH MAP

REVISED DATE: 05-15-15

DRAWN BY: SCB/EDB

FIGURE 2





Feature	Proposed Impact Length (ft)	Proposed Impact Area (ac)	Previously Impacted Area (ac)	Total Impact Area (ac)	Status
Ephemeral 1	35	0.001	--	0.001	Jurisdictional
Ephemeral Total	35	0.001	--	0.001	--
Intermittent 1	60	0.01	--	0.01	Jurisdictional
Intermittent 2	--	--	--	--	Jurisdictional
Intermittent Total	60	0.01	--	0.01	--
Perennial 1 (Buffalo Run)	--	--	--	--	Jurisdictional
Perennial Total	--	--	--	--	--
Wetland 1	--	0.01	--	0.01	Jurisdictional
Wetland 2	--	0.05	--	0.05	Jurisdictional
Wetland 3	--	0.06	--	0.06	Jurisdictional
Wetland 4	--	0.52	--	0.52	Jurisdictional
Wetland 5	--	0.51	0.07	0.58	Jurisdictional
Wetland 6	--	0.16	--	0.16	Jurisdictional
Wetland 7	--	0.14	--	--	Isolated
Wetland 8	--	1.16	0.05	1.21	Jurisdictional
Wetland 9	--	0.11	--	0.11	Jurisdictional
Wetland 10	--	2.26	0.81	3.07	Jurisdictional
Wetland 11	--	0.29	--	0.47	Jurisdictional
Wetland 12	--	--	0.18*	--	Jurisdictional
Wetland 13	--	0.10	--	0.10	Jurisdictional
Wetland 14	--	0.04	--	0.04	Jurisdictional
Jurisdictional Wetland Total **	--	6.27	--	6.38	--
Jurisdictional Features Total	95	5.28	1.11	6.39	--

*Portion of Wetland has recently been impacted
 **Amount does not include isolated wetland total.

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON APRIL 15, 17 AND 20, 2015. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



ROLLING ACRES FARM PROPERTY
BULLITT COUNTY, KENTUCKY

REVISED DATE: 05-20-15 DRAWN BY: EDB

REDWING
ECOLOGICAL SERVICES, INC.

SITE DEVELOPMENT
PLAN

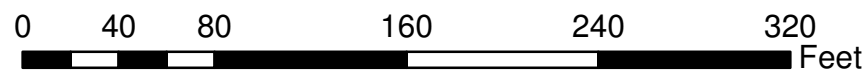
FIGURE 4

Source: World Imagery - Esri and the GIS User Community (2012).



Legend

- Project Boundary (7.0 acres)
- Ephemeral Stream (approximate location, 1,275 feet)
- Pond (1.0 acre)
- Emergent Wetland (0.03 acre)
- Swale
- Data Point



NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED BY REDWING WETLAND SCIENTISTS ON APRIL 22, 2015. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



ROLLING ACRES FARM MITIGATION
BULLITT COUNTY, KENTUCKY

REVISED DATE: 05-21-15 | DRAWN BY: SCB/EDB

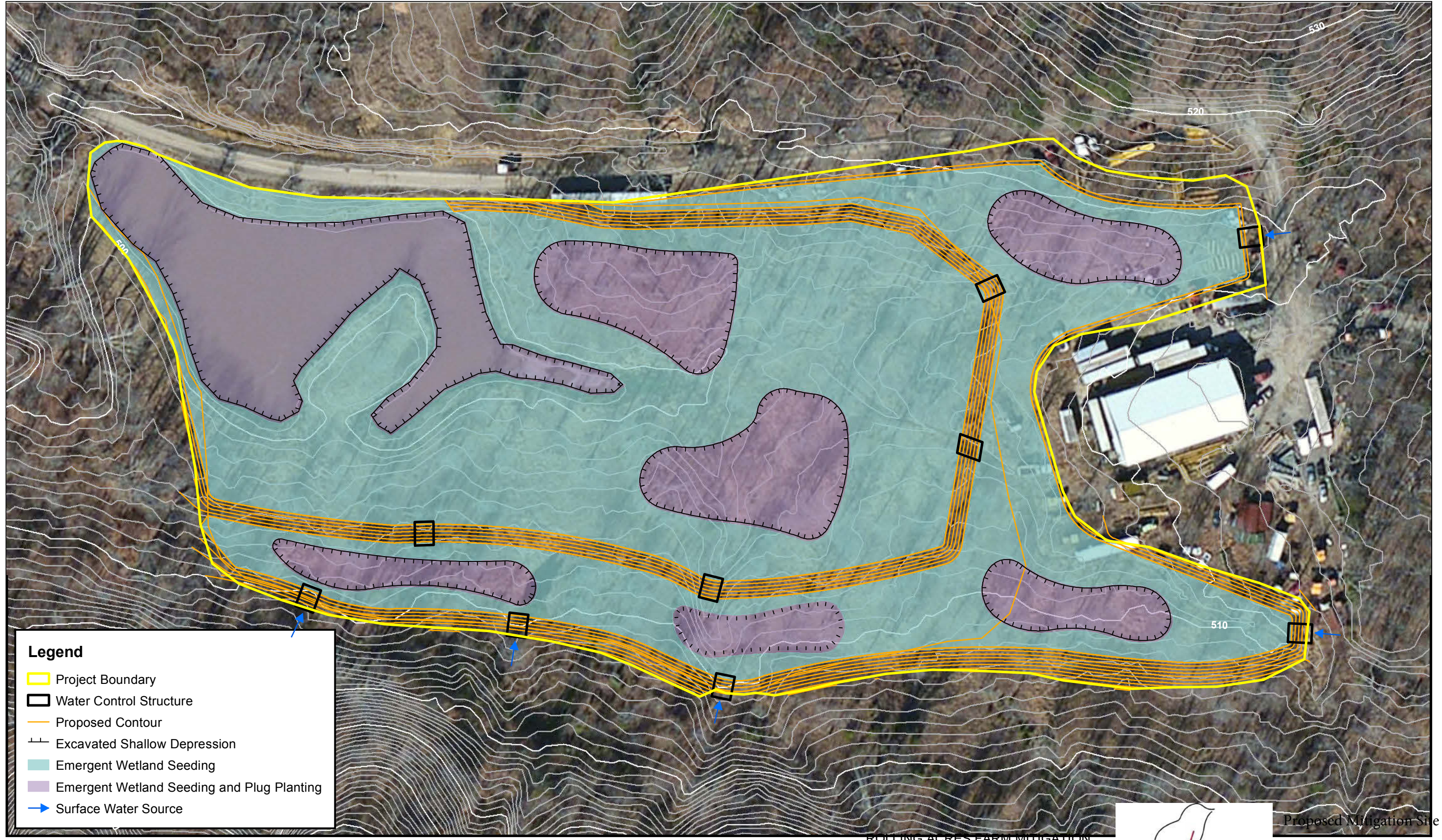


MITIGATION SITE
WATER/WETLAND
LOCATION MAP

FIGURE 4

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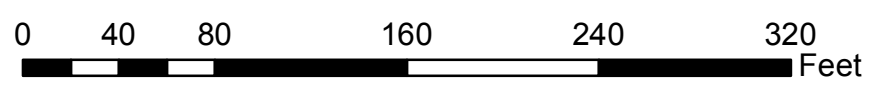
Source: World Imagery - Esri and the GIS User Community (2012).



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Legend

- Project Boundary
- Water Control Structure
- Proposed Contour
- Excavated Shallow Depression
- Emergent Wetland Seeding
- Emergent Wetland Seeding and Plug Planting
- Surface Water Source



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ROLLING ACRES FARM MITIGATION
BULLITT COUNTY, KENTUCKY



Proposed Mitigation Site -
PLANTING PLAN

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FIGURE 8