

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Louisville Renaissance Zone Corporation (LRZC)

**Permit Number:** LRL-2011-52-mdh

**Issuing Office:** U.S. Army Engineer District, Louisville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** Under the Phase II proposal, LRZC would impact 6.91 acres of 26 wetlands, 1,980 linear feet of 1 intermittent stream channel, 1,765 linear feet of 4 ephemeral stream channels and 0.23 acre of 3 open waters to facilitate construction of the planned commercial and industrial park. Of the 26 wetlands, 13 are emergent (0.96 acres), 2 are scrub-shrub (1.78 acres) and 11 are forested (4.17 acres) (see **Figures 1 & 2** in the attached project drawings).

**Project Location:** The project is located in southwest Louisville, Jefferson County, Kentucky. Specifically, the parcel is bounded by LRZC Phase I to the north and west, South Park Road to the south, Mud Creek to the east and is bisected by Minors Lane.

### **Permit Conditions:**

#### **General Conditions:**

1. The time limit for completing the authorized activity ends on **January 15, 2016**. 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 one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

#### **Special Conditions:**

1. The permittee shall provide receipt of purchase to this office for **20.73** of wetland credits from a Corps approved wetland mitigation bank within the Salt River Basin service area<sup>^</sup>. **Credits must be purchased prior to the discharge of fill material into "waters of the U.S."**

<sup>^</sup>If there are not enough credits at Corps approved mitigation banks to fulfill the need, the permittee must notify the Corps for a determination of the In-Lieu Fee credits to be purchased from the Kentucky Department of Fish and Wildlife Resources (KDFWR) Stream and Wetland Mitigation In-Lieu Fee Program.

2. The permittee shall provide receipt of payment to the KDFWR Stream and Wetland Mitigation In-Lieu Fee Program for the purchase of **2,376.00** stream Adjusted Mitigation Units (AMUs) for impacts to 1,980 linear feet of intermittent stream channel. Credits must be purchased **prior to the discharge of fill material into "waters of the U.S."**

Inquiries regarding credit purchase may be made directly to KDFWR by calling Mr. Mike Hardin (502) 564-7109 ext. 4471, by email at: [mike.hardin@ky.gov](mailto:mike.hardin@ky.gov), or in writing at: Assistant Director, Division of Fisheries #1 Sportsman's Lane, Frankfort, Kentucky, 40601.

3. Construct the stormwater management and drainage plan, to compensate for impacts to ephemeral stream channels and open waters. The plan shall include 3,000-4,000 linear feet of drainage channels with two to five foot-wide channels, 2:1 sideslopes and be predominantly grass lined with rip-rap portions. These channels are to be constructed as Phase II develops (per e-mail dated, December 7, 2012 from Redwing Ecological Services).
4. Erosion control fencing (commercial fiber silt curtains) must be installed to prevent disturbed sediments from impacting areas downstream. These fences shall be installed in all areas of construction susceptible to erosion and be maintained throughout construction.
5. To avoid impacting summer roosting Indiana bats (*Myotis sodalis*), tree clearing shall occur between **October 15 and March 31**.
6. Re-vegetate all cleared areas with suitable ground cover-type grasses (such as wheat, rye, etc.) upon completion of construction.
7. The permittee must comply with all of the terms and stipulations of the signed document titled: "Memorandum of Agreement among the U.S. Army Corps of Engineers, Louisville District, The Kentucky State Historic Preservation Officer, and the Louisville Renaissance Zone Corporation regarding the Proposed Renaissance Business Park Development, Jefferson County, Kentucky, LRL-2011-0052."
8. The permittee shall provide four copies of the JF-2384 documentation, in addition to the copies required in Stipulation I(A)(1)(d) of the aforementioned Memorandum of Agreement, to the SHPO. The SHPO will distribute the copies to a local agency, archive, university or preservation group. The SHPO will also provide a copy to the State Department of Libraries and Archives.

**Further Information:**

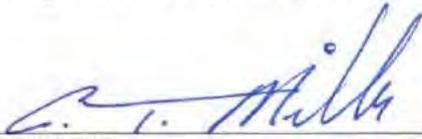
1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. § 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. § 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. § 325.7 or enforcement procedures such as those contained in 33 C.F.R. § 326.4 and § 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

1-16-13  
\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
LUKE T. LEONARD  
Colonel, Corps of Engineers  
Commanding

\_\_\_\_\_  
(DATE)

  
\_\_\_\_\_  
BY: Michael Hasty  
Senior Project Manager  
Regulatory Branch

1/24/13

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

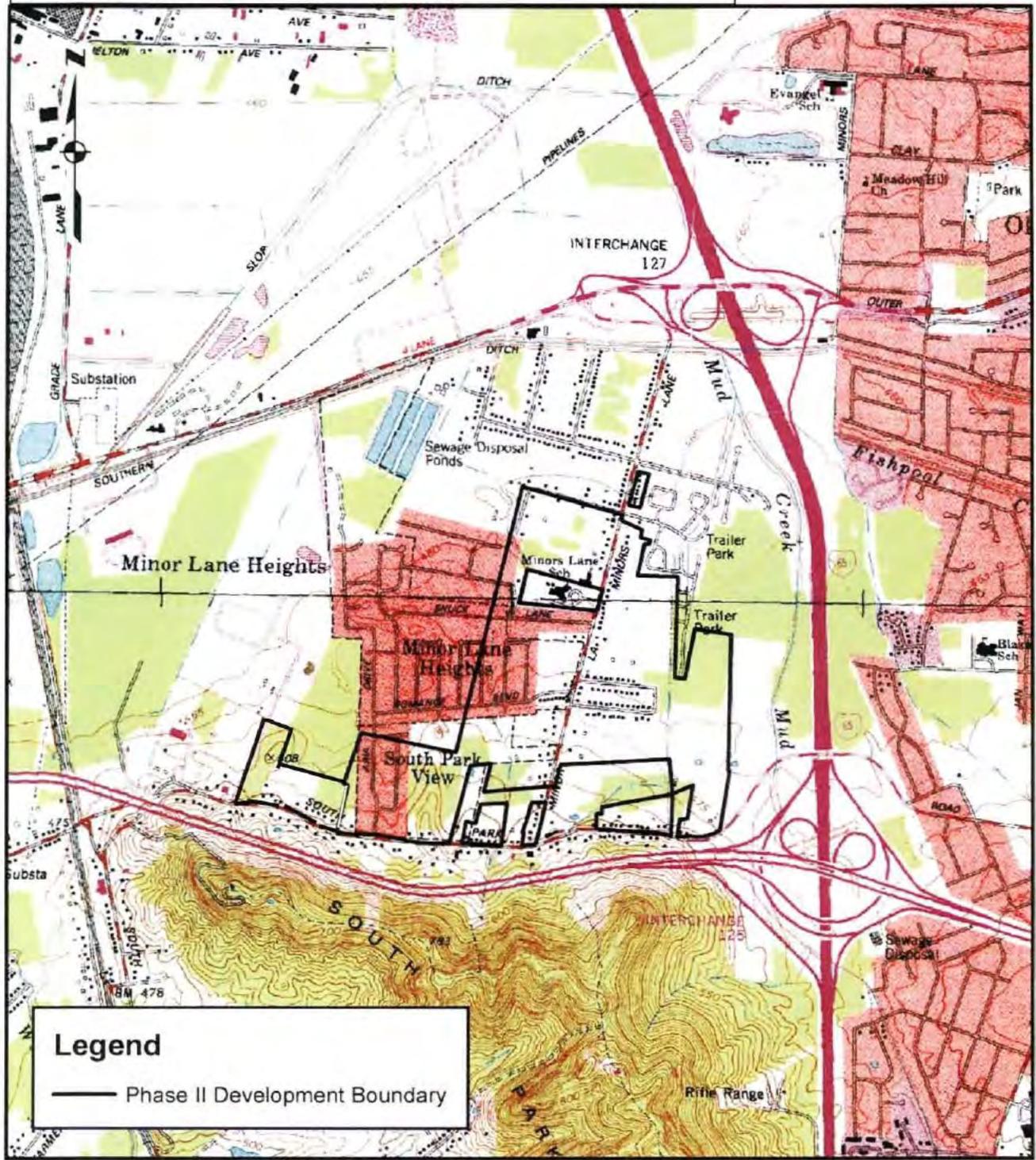
\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

Figure 1

LRL-2011-52-mdh

Louisville Renaissance Zone South Business Park, Phase II



RENAISSANCE BUSINESS PARK SOUTH  
 PHASE II  
 JEFFERSON COUNTY, KENTUCKY

SITE LOCATION MAP

FILE: Redwing/05-117-03/figures/IP Figures/Site Location  
 REDWING PROJECT 05-117-03  
 REVISION DATE 11/18/10      DRAWN BY LAD/LEH



FIGURE 1

