



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

Public Notice

Public Notice No.
LRL-2000-935

Open Date:
11 Oct 2013

Close Date:
5 Nov 2013

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

Phone: 502-315-6693

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

APPLICANT: Faulkner Real Estate Corporation
9625 Ormsby Station Road
Louisville, Kentucky 40223

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

LOCATION: Wetlands adjacent to the Slop Ditch, Southern
Ditch watershed, in the Jefferson Boulevard
Development, 1255 McCawley Road, Louisville,
Jefferson County, Kentucky

Latitude: 38.1465
Longitude: -85.6841
7.5 Minute Quad: Louisville East

PURPOSE: Construct multi-family residential and commercial
facilities and associated roads and
infrastructure

DESCRIPTION OF WORK: The applicant proposes to revise the plan for construction of a commercial facility at this location, which was authorized under DA Permit No. LRL-2000-935 in February 2010. The current plan would include multi-family residential development and commercial development alongside Jefferson Boulevard. Additionally, the mitigation previously approved for impacts to 10.435 acres of wetlands at this location would be changed from in-lieu fee mitigation to onsite mitigation in the form of re-established wetlands.

The proposed activity would require the discharge of approximately 20,000 cubic yards of clean fill material into 10.435 acres of wetlands in order to achieve required grades and elevations for the building construction.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to re-establish 20 acres of onsite forested wetlands to mitigate the loss of 10.435 acres of forested wetlands on the property. The mitigation would include grading of higher elevations on site, constructing ditch blocks in drainage ditches and creating shallow depressions, as well as native tree/shrub planting and native wetland seeding. The 22-acre mitigation site currently consists of approximately 17 acres of cultivated agricultural fields (designated as Prior Converted Cropland) and five acres of upland woods, which contains 0.24 acre of wetlands. The proposed forested wetland re-establishment would entail increasing water retention through installation of ditch blocks and grading, and establishing a native forested wetland plant community through native tree/shrub planting, native groundcover seeding and invasive species control. The entire proposed mitigation area would be permanently protected through a deed restriction.

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 are made aware, as a result of comments received in response to this

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notice, or by other means, of specific archaeological, scientific, prehistoric, 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 Pam Loeffler, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2000-935.

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-2000-935.

Example:

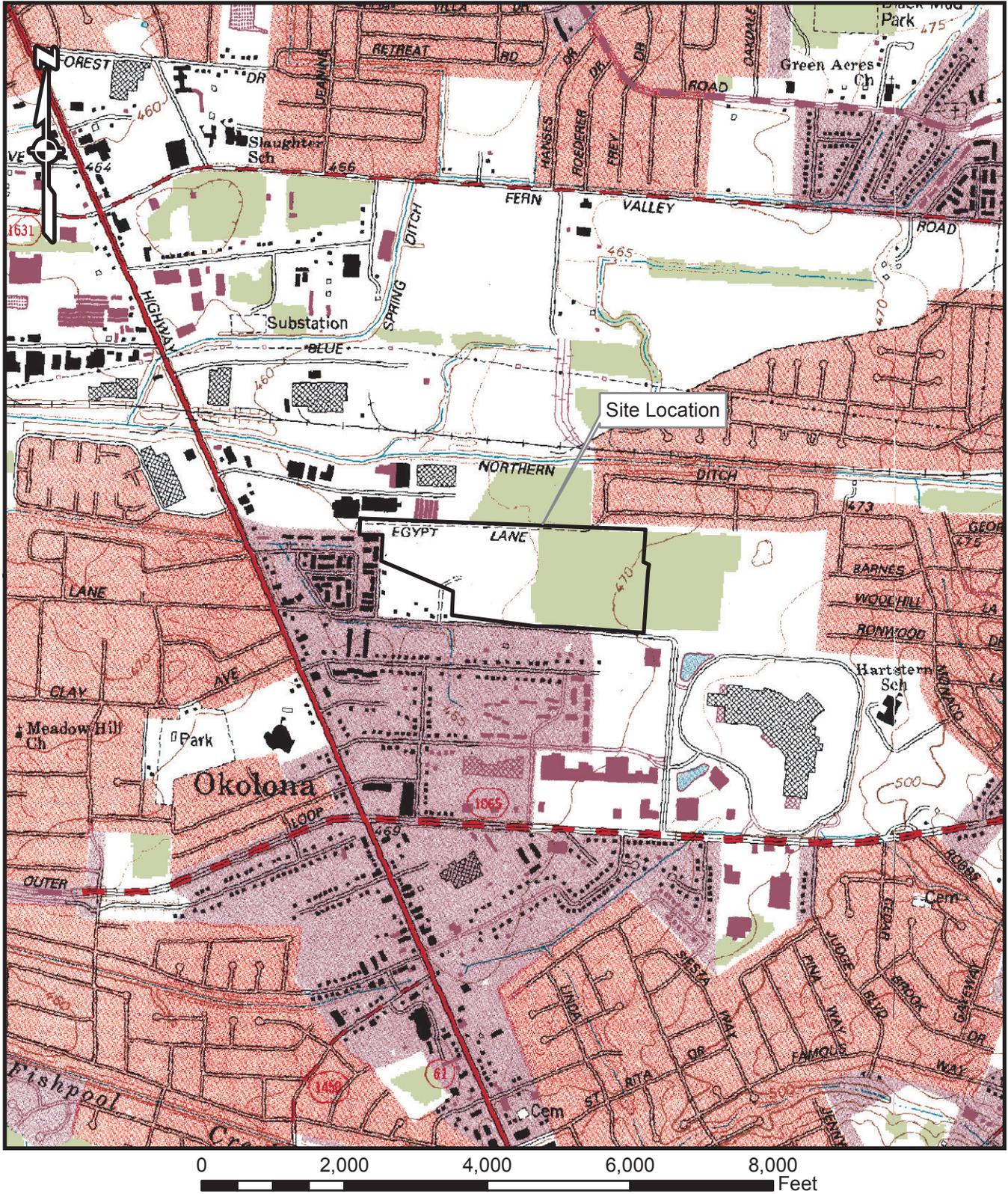
Subject: LRL-2000-935

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 quadrangles - Louisville East, KY



JEFFERSON BOULEVARD
MITIGATION SITE
JEFFERSON COUNTY, KENTUCKY

FILE: Redwing/13-028/Figures/SiteLocation

REDWING PROJECT 13-028

REVISED DATE: 9.19.2013

DRAWN BY LAD/EDB



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SITE LOCATION MAP
Sheet 1 of 4

FIGURE 1



LEGEND

-  PROPERTY BOUNDARY
-  MITIGATION AREA BOUNDARY (21.8 AC.)
-  CULVERT
-  EXISTING DITCH/SWALE
-  EXISTING JURISDICTIONAL WETLAND (PERMITTED FOR IMPACT)
-  SOIL PROFILE SAMPLING LOCATION (NON-HYDRIC)
-  SOIL PROFILE SAMPLING LOCATION (HYDRIC)
-  SOIL PROFILE SAMPLING LOCATION (BORDERLINE)

NOTE: JURISDICTIONAL WATERWETLAND BOUNDARIES HAVE BEEN VERIFIED UNDER U.S. ARMY CORPS OF ENGINEERS PERMIT #LRL-2000-935 AND ARE VALID UNTIL MARCH 15, 2015. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



**JEFFERSON BOULEVARD
MITIGATION SITE
JEFFERSON COUNTY, KENTUCKY**

REVISED DATE: 06-20-13 DRAWN BY: EDB/BJ/LAD

FIGURE PREPARED BY:

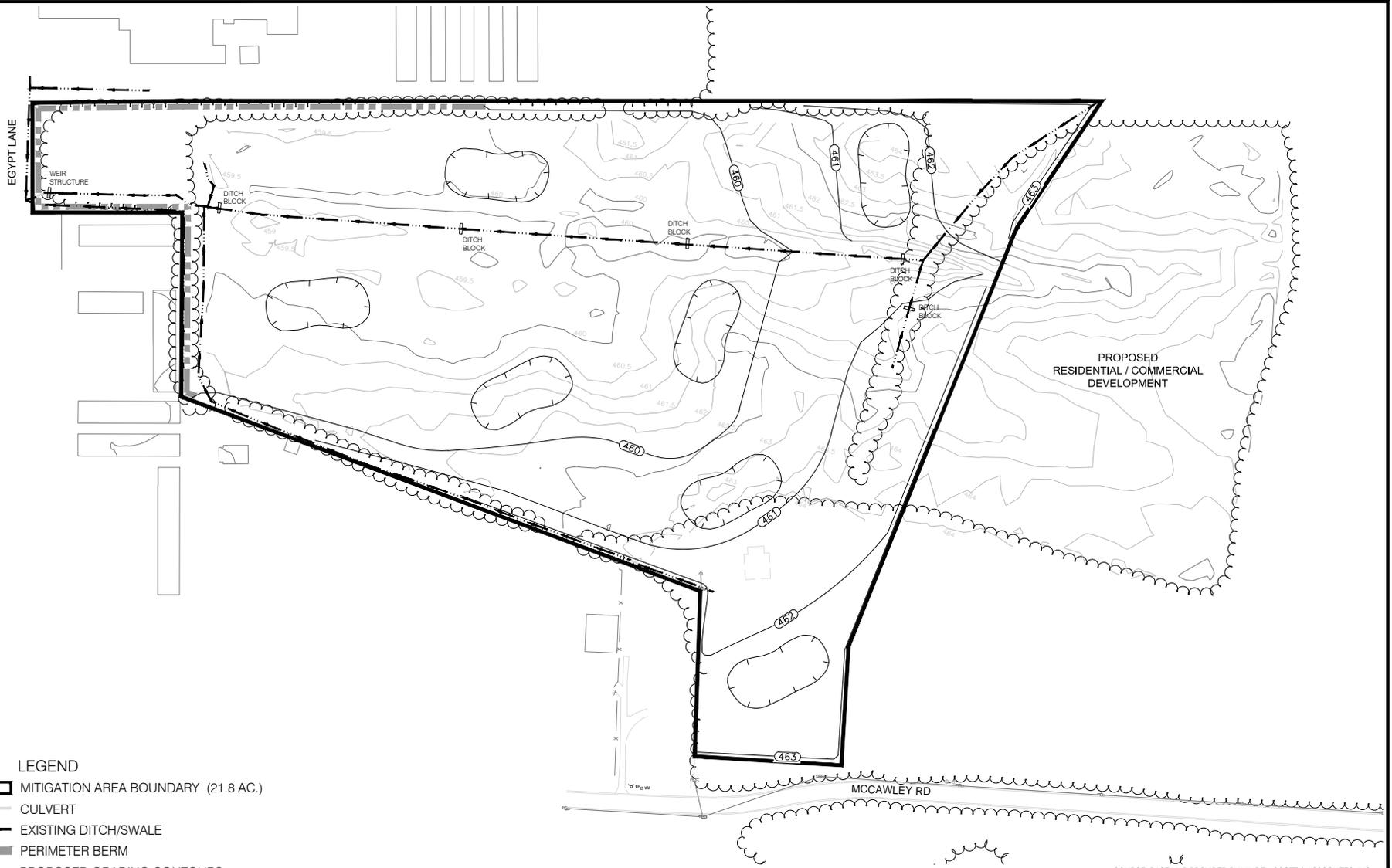


REDWING
ECOLOGICAL SERVICES, INC.

**EXISTING CONDITIONS
MAP**

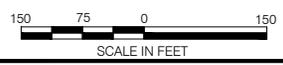
FIGURE 3

SOURCE: BASE MAP PROVIDED BY MINDEL, SCOTT & ASSOCIATES, INC.



- LEGEND**
- MITIGATION AREA BOUNDARY (21.8 AC.)
 - CULVERT
 - EXISTING DITCH/SWALE
 - PERIMETER BERM
 - PROPOSED GRADING CONTOURS
 - PROPOSED 6 INCH DEPRESSION

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES HAVE BEEN VERIFIED UNDER U.S. ARMY CORPS OF ENGINEERS PERMIT #LRL-2000-935 AND ARE VALID UNTIL MARCH 15, 2015. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



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CONCEPTUAL
MITIGATION PLAN

FIGURE 6