



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

Public Notice

Public Notice No.
LRL-2005-81

Open Date:
16 Jan 2013

Close Date:
15 Feb 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 modification to Department of the Army (DA) Permit No. LRL-2005-81, subject to Section 404 of the Clean Water Act:

APPLICANT: Industrial Developments International
740 Centre View Boulevard Floor 3
Crestview Hills, KY 41017

AGENT: Otte Enterprises
505 Stevenson Road
Erlanger KY 41018

LOCATION: Wetlands and unnamed tributaries of Mud Lick
Creek and Wolf Pen Branch, along Logistics
Boulevard of the Park South development between
I-75 and US 25 near Richwood, Boone County,
Kentucky

Latitude: 38.9025 N
Longitude: -84.6216 W
7.5 Minute Quad: KY-Independence

PURPOSE: To continue construction of the Park South
industrial development project.

EXISTING CONDITIONS: The Park South industrial development is situated on 256 acres between I-71 and US 25. Logistics Boulevard is the main access road for the development from US 25. The original phase, which was authorized by DA permit No. 200500081, preserved Intermittent Stream 2 with a 100-foot buffer as mitigation. The applicant proposes to develop the remaining 114 acres of this development.

DESCRIPTION OF WORK: The section of Stream 2 located on the upstream side of Logistics Boulevard would be filled, impacting approximately 881 linear feet (lft) of intermittent stream channel and 0.07 acre of palustrine emergent Wetland 2. Wetlands 1, 3, and 4 would be filled, impacting 0.19 acre, 0.24 acre, and 0.12 acre of palustrine emergent wetlands respectively for a total of 0.62 acre of wetland impacts. The ephemeral streams draining towards Wetlands 3 and 4 would be

Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2005-81

filled as well, impacting 87 lft and 220 lft of ephemeral channel, totaling 0.03 acre. An estimated 7400 cubic yards of clean fill material obtained from onsite would be used to fill these waters to facilitate the continued industrial development of this property.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to pay in-lieu fee mitigation for unavoidable impacts to the intermittent stream and wetlands. Additionally, the applicant proposes to pay an in-lieu fee for the previous impact to Stream 2 where Logistics Boulevard crosses the stream. Since only half of the preservation area would be impacted during this phase of construction, the applicant proposes to mitigate for 98.5 lft (half of the Logistics Road crossing impact) with the remaining half being mitigated by the downstream preservation area, which would be left in place.

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 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).

Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2005-81

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.

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 Ms. Pam Loeffler, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2005-81.

Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2005-81

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-2005-81.

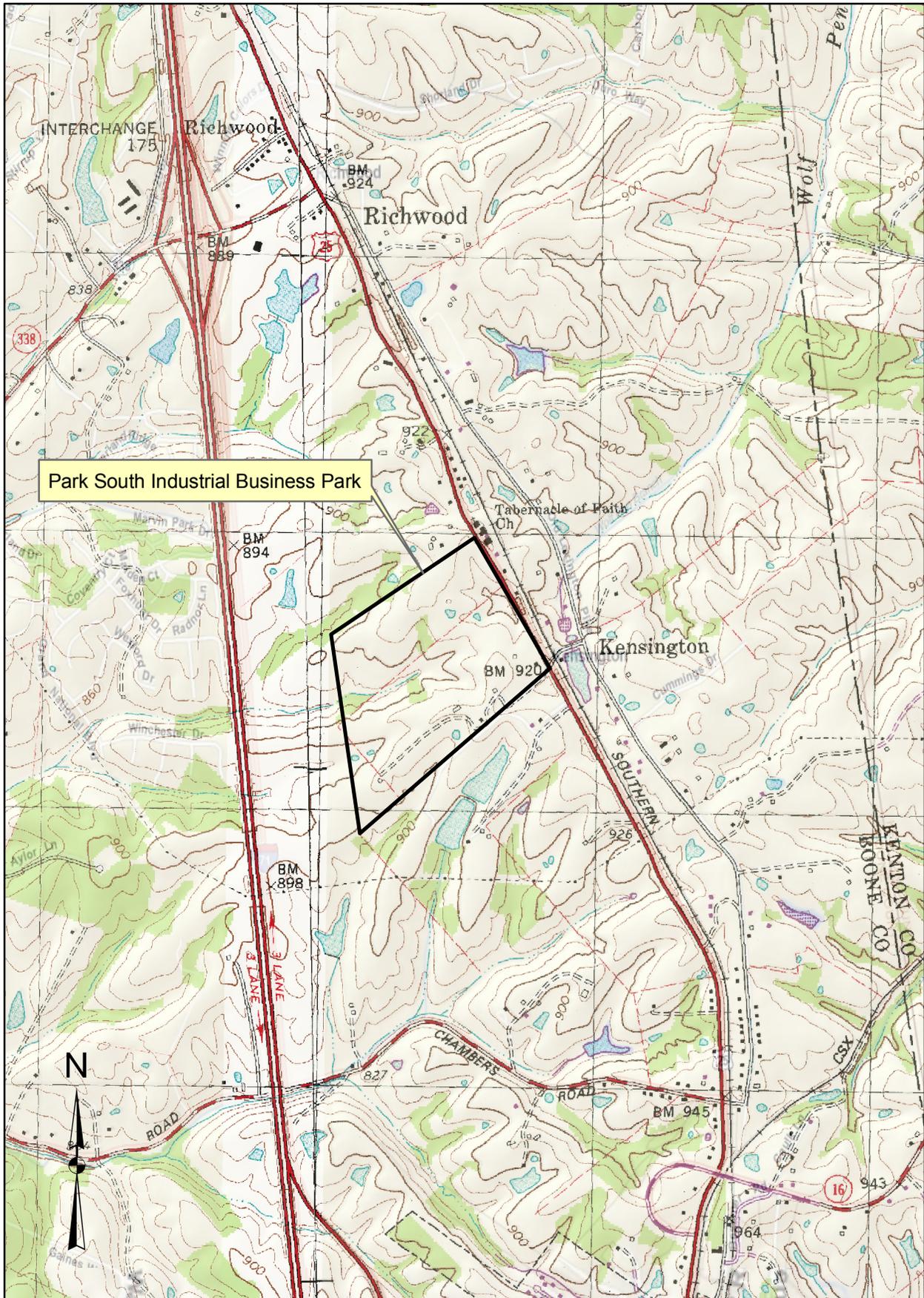
Example:

Subject: LRL-2005-81

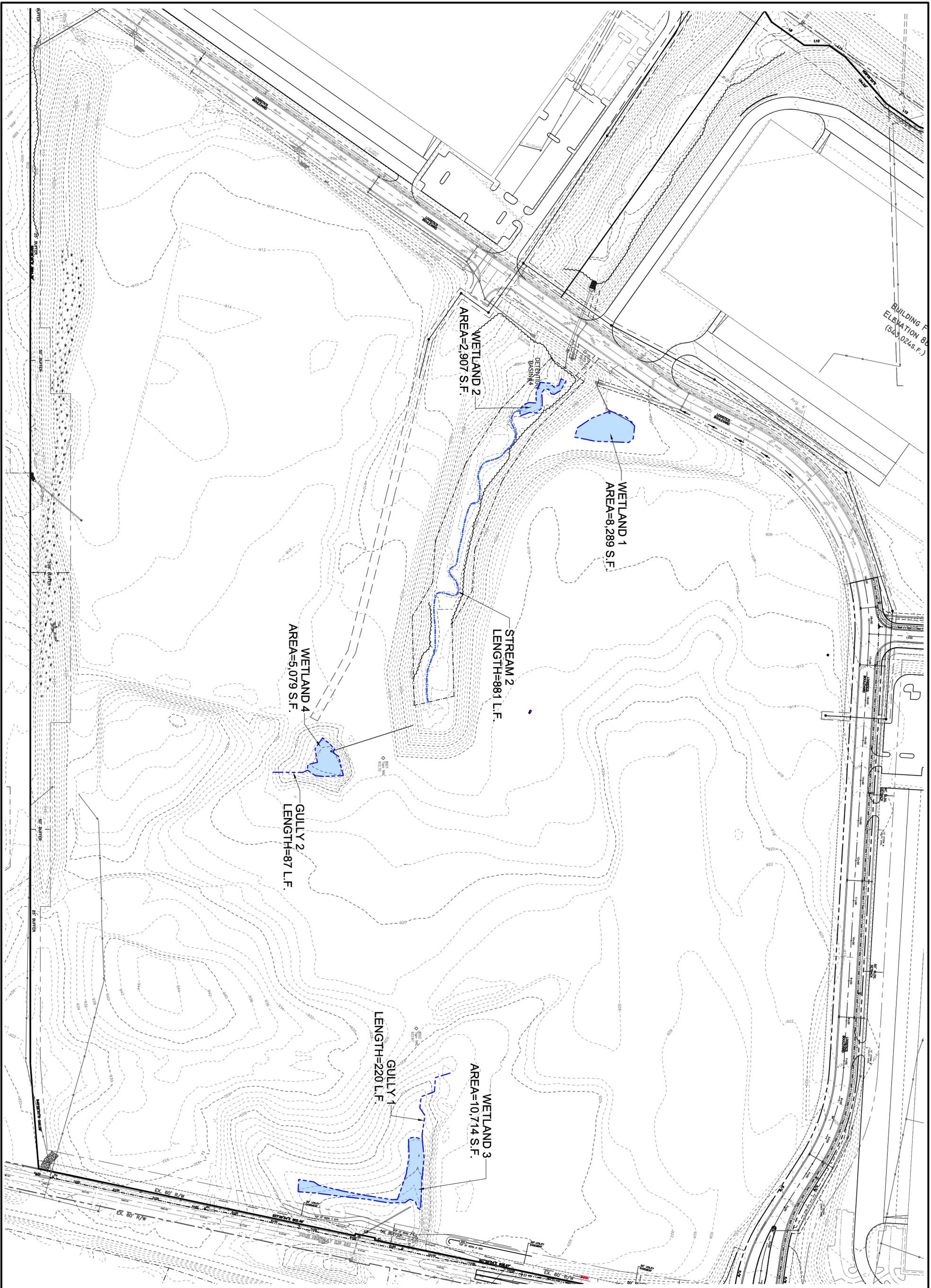
b) Provide your physical mailing address and telephone number.

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.



Independence, Kentucky USGS 7.5 minute topographic map showing IDI Park South Property near Richwood in Boone County, Kentucky Public Notice ID No. LRL-2005-81 Sheet 1 of 3



THIS DOCUMENT AND ALL RELATED DETAIL DRAWINGS, SPECIFICATIONS, AND ELECTRONIC MEDIA PREPARED OR FURNISHED BY BAYER BECKER (BB), ARE INSTRUMENTS OF BB'S PROFESSIONAL SERVICE, AND IS THE EXCLUSIVE PROPERTY OF BB. NO DISCLOSURE, USE, REPRODUCTION, OR DUPLICATION IN WHOLE, OR IN PART, MAY BE MADE WITHOUT WRITTEN PERMISSION OF BB, AND IS DONE SO AT USER'S SOLE RISK. COPYRIGHT - ALL RIGHTS RESERVED.

Scale: 1" = 100'

1/1

bayer becker
 www.bayerbecker.com
 209 Grandview Drive
 Fort Mitchell, KY 41017 - 859.261.1113

Drawn by: JLR
 Checked by: JLR
 Issue Date: 12-03-12

PARK SOUTH SITES A, B, & D

Public Notice LRL-2005-81

WETLAND EXHIBIT

Item	Revision Description	Date	Drwn:	Chk:
PRELIMINARY				

Scale of Printing:
 State Plane NAD83 GRS: Observations
 0
 100
 150

SCALE: 1" = 100'

Public Notice
 Sheet 2 of 3

FIGURE 18: IDI design plans for the 114-acre Park South property

