



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

# Public Notice

Public Notice No.  
LRL-2012-737-mlc

Open Date:  
31 Dec 2013

Close Date:  
30 Jan 2013

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Meagan Chapman, CELRL-OP-FS, 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: Station Development, LLC  
6900 Riverport Drive  
Louisville, Kentucky 40258

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

LOCATION: Wetlands and streams on an approximately 165 acre site, located east of Dixie Highway (US 31W/US 60), adjacent to the intersection of Dixie Highway and Lewis Lane, Louisville, Jefferson County, Kentucky.

Latitude: 38.0518° N  
Longitude: 85.8880° W  
7.5 Minute Quad: IN-KOSMOSDALE

PURPOSE: To construct an industrial development that would provide warehouse and distribution buildings, associated roads and utilities.

DESCRIPTION OF WORK: The applicant proposes to discharge approximately 3,300 cubic yards of earthen material, obtained onsite and from the adjacent property, into 2.18 acres of emergent and forested wetland, 1,660 linear feet (0.17 acre) of intermittent stream and 755 linear feet (0.02 acre) of ephemeral streams. The activity is required to construct the proposed Riverport Phase 5 industrial development.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has indicated that they cannot avoid impacts to any "waters of the United States (U.S.)" in the project area and still be able to construct the proposed industrial development.

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To compensate for the unavoidable impacts to "waters of the U.S.," the applicant proposes to purchase mitigation bank credits from an approved mitigation bank in the vicinity of the proposed project at a 3:1 ratio. To mitigate for the proposed impacts to the intermittent stream the applicant proposes to purchase credits from Kentucky Department of Fish and Wildlife Stream and Wetland Restoration In-Lieu Fee Program. The applicant proposes a stormwater management system that would be constructed within the proposed industrial development to compensate for the ephemeral stream impacts.

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, 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). Additionally, we are directing the applicant to hire an archaeological firm to conduct a Phase I survey of the proposed project tract.

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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/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Meagan Chapman, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2012-737-mlc.

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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-2013-737-mlc.

Example:

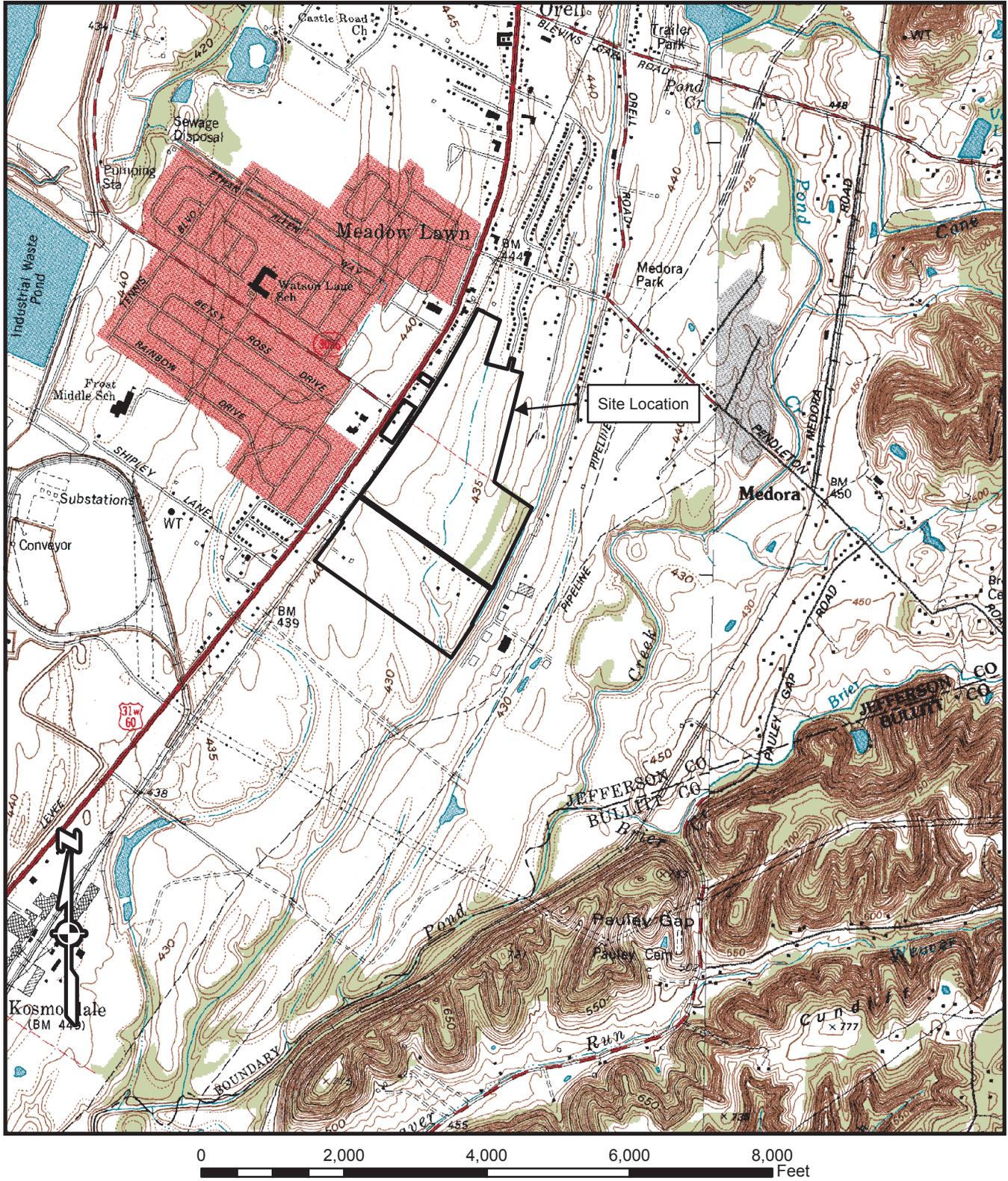
Subject: LRL-2012-737-mlc

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.

Source: USGS 7.5' Topographic Maps: Kosmosdale and Valley Station, Kentucky.



RIVERPORT PHASE 5 DEVELOPMENT  
JEFFERSON COUNTY, KENTUCKY

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FILE: Redwing/07-134/Figures/2012/USGS

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REDWING PROJECT 07-134

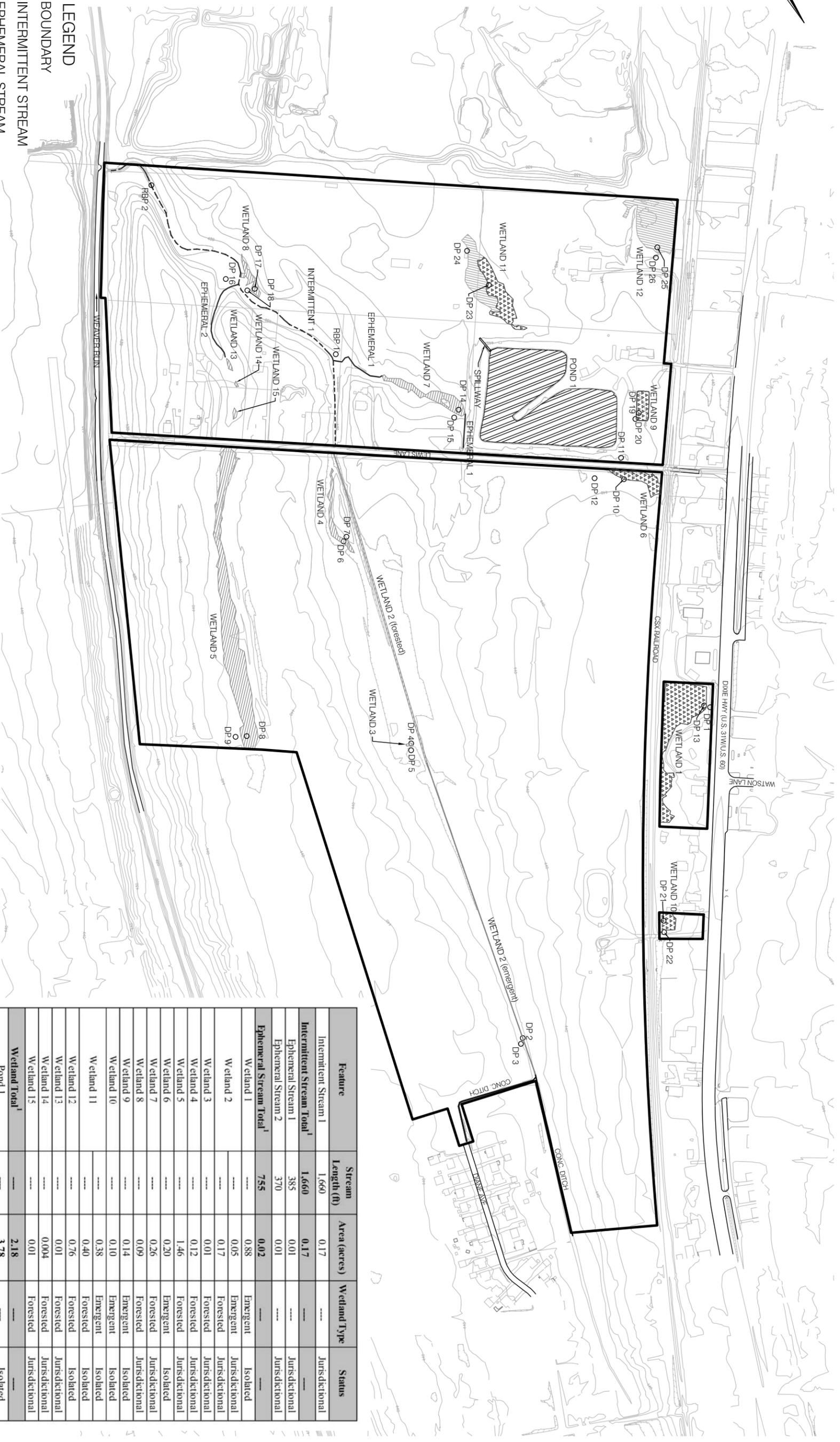
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REVISED DATE 12.20.2012      DRAWN BY EDB



SITE LOCATION MAP

FIGURE 1



NOTE: JURISDICTIONAL WATERWETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON DECEMBER 13, 2007, JANUARY 4, AND 7, 2008, MARCH 5-7, AND SEPTEMBER 14, 2012. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.

SOURCE: BASE MAP PROVIDED BY OK4



SCALE IN FEET

Feature	Stream Length (ft)	Area (acres)	Wetland Type	Status
Intermittent Stream 1	1,660	0.17	---	Jurisdictional
<b>Intermittent Stream Total<sup>1</sup></b>	<b>1,660</b>	<b>0.17</b>	---	---
Ephemeral Stream 1	385	0.01	---	Jurisdictional
Ephemeral Stream 2	370	0.01	---	Jurisdictional
<b>Ephemeral Stream Total<sup>1</sup></b>	<b>755</b>	<b>0.02</b>	---	---
Wetland 1	---	0.88	Emergent	Isolated
Wetland 2	---	0.05	Emergent	Jurisdictional
Wetland 3	---	0.17	Forested	Jurisdictional
Wetland 4	---	0.01	Forested	Jurisdictional
Wetland 5	---	0.12	Forested	Jurisdictional
Wetland 6	---	1.46	Forested	Jurisdictional
Wetland 7	---	0.20	Emergent	Isolated
Wetland 8	---	0.26	Forested	Jurisdictional
Wetland 9	---	0.09	Forested	Jurisdictional
Wetland 10	---	0.14	Emergent	Isolated
Wetland 11	---	0.10	Emergent	Isolated
Wetland 12	---	0.38	Emergent	Isolated
Wetland 13	---	0.40	Forested	Isolated
Wetland 14	---	0.76	Forested	Isolated
Wetland 15	---	0.01	Forested	Jurisdictional
<b>Wetland Total<sup>1</sup></b>	---	<b>2.18</b>	---	---
Pond 1	---	3.78	---	Isolated
<b>Pond Total<sup>1</sup></b>	---	<b>0.00</b>	---	---
<b>Total Jurisdictional Waters<sup>1</sup></b>	<b>2,415</b>	<b>2.37</b>	---	---

Notes: 1 = Totals are only for jurisdictional waters. Isolated waters were not included.

## RIVERPORT PHASE 5 DEVELOPMENT JEFFERSON COUNTY, KENTUCKY

FILENAME: Redwing\Figures\2012\water-wetland12192012  
PROJECT No.: 07-134  
DRAWN BY: BJD  
PRINT DATE: 12-19-2012



WATERWETLAND LOCATION MAP

FIGURE: 2

