



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

Public Notice

| | | |
|-------------------|-------------|-------------|
| Public Notice No. | Open Date: | Close Date: |
| LRL-2013-402-mlc | 26 Nov 2013 | 26 Dec 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 an After-the-Fact (ATF) Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: J-Anne-M Properties, LLC
3564 Lone Oak Road
Paducah, Kentucky 42003

AGENT: 5H Technologies, Inc.
110 South Third Street
Paducah, Kentucky 42001

LOCATION: The project site is located on wetlands adjacent to an unnamed tributary to Perkins Creek, on the property north of the intersection of High Street and U.S. Highway 60, Paducah, McCracken County, Kentucky.

Latitude: 37.083359
Longitude: -88.66854
7.5 Minute Quad: KY-PADUCAH WEST

PURPOSE: To construct additional apartment buildings with associated parking areas and roadways.

DESCRIPTION OF WORK: The applicant proposes to expand the existing Park Place Apartment complex with additional apartment buildings and associated roadways and parking lots. The applicant has already impacted the existing 3.77 acres of wetland by grading, clearing and draining activities.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to mitigate for the impacts to the 3.77 acres of wetland at a 2:1 ratio on a site that contains prior converted farmland that is adjacent to a current mitigation site. Proposed mitigation activities would involve the planting of Root-Production Method (RPM) trees at 70 trees per acre in a linear manner. The applicant proposes 5 years of

Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2013-402-mlc

monitoring to meet success criteria.

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). The applicant will be submitting information to the Kentucky Heritage Council (KHC) per their new requirements implemented on June 7, 2013.

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

Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2013-402-mlc

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-2013-402-mlc.

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-2013-402-mlc.

Example:

Subject: LRL-2013-402-mlc

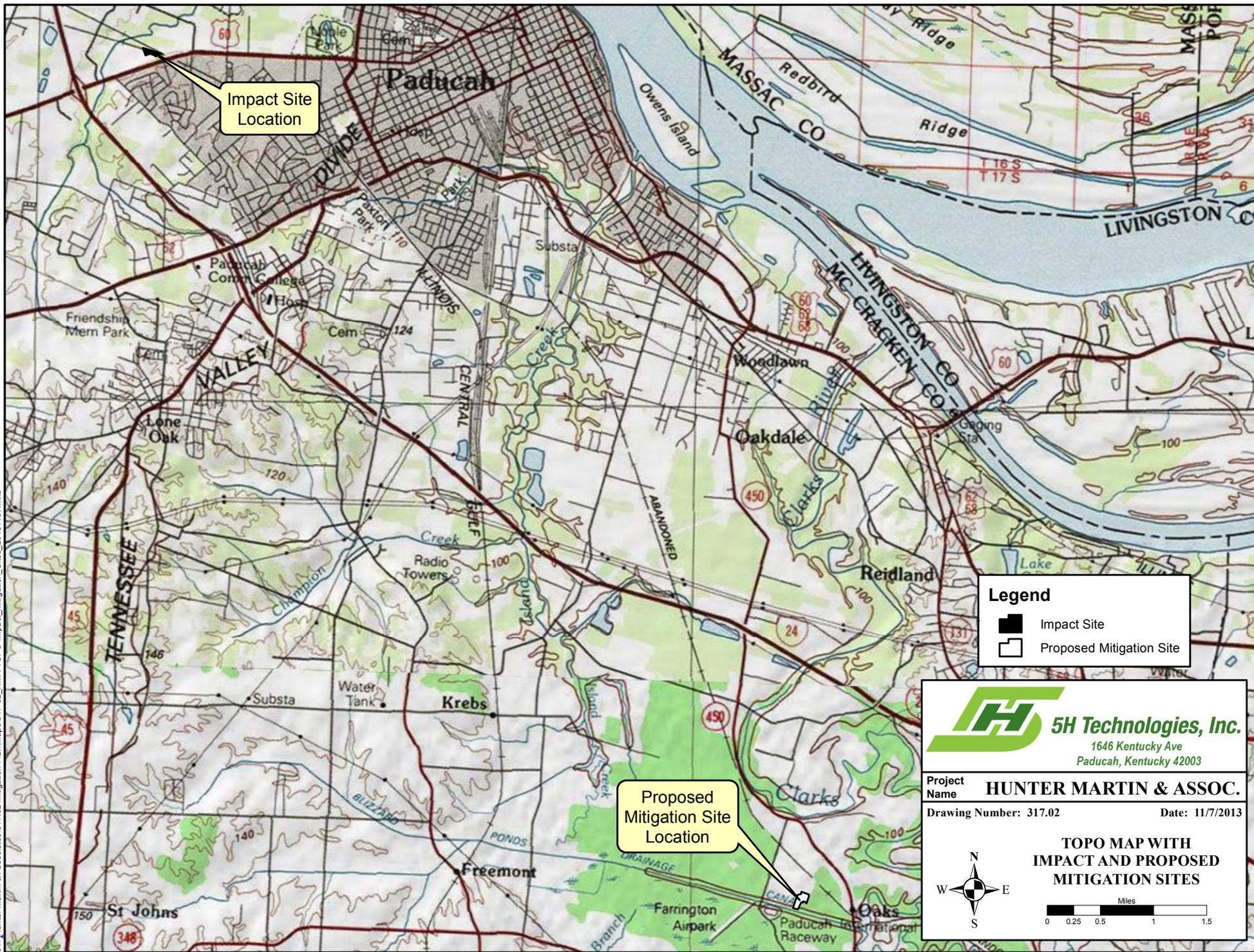
Operations Division
Regulatory Branch (South)
Public Notice No. LRL-2013-402-mlc

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.

317 Hunter Martin & Associates\317.02 Mitigation Plan\Maps\317.02_HMA-TOPO-Impact_Mitigation_Sites_20131017.mxd



Impact Site Location

Proposed Mitigation Site Location

Legend

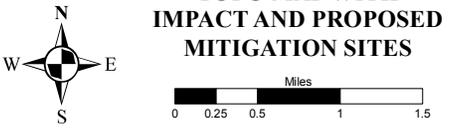
-  Impact Site
-  Proposed Mitigation Site



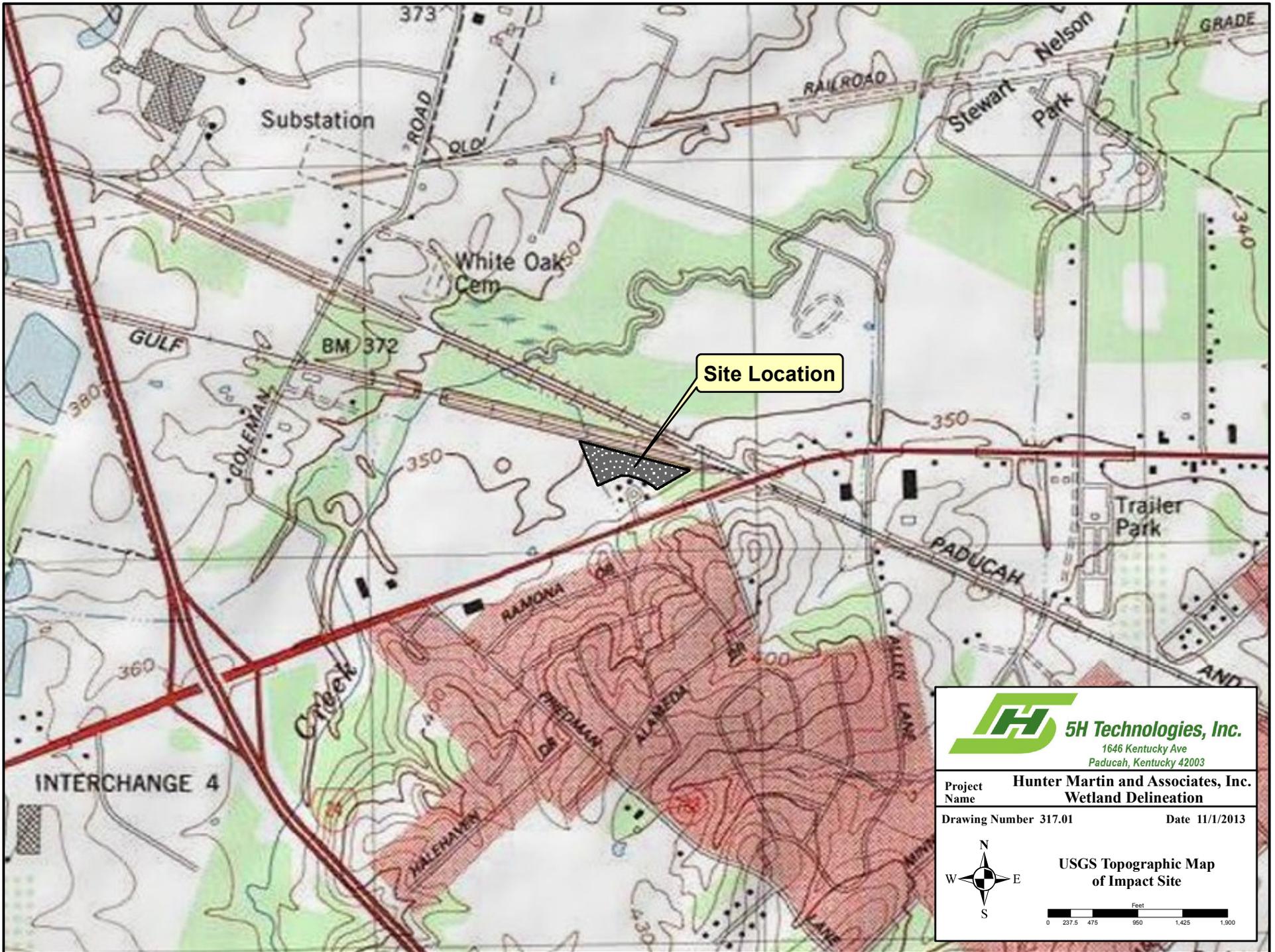
5H Technologies, Inc.
 1646 Kentucky Ave
 Paducah, Kentucky 42003

Project Name **HUNTER MARTIN & ASSOC.**
 Drawing Number: 317.02 Date: 11/7/2013

**TOPO MAP WITH
 IMPACT AND PROPOSED
 MITIGATION SITES**



Miles
 0 0.25 0.5 1 1.5



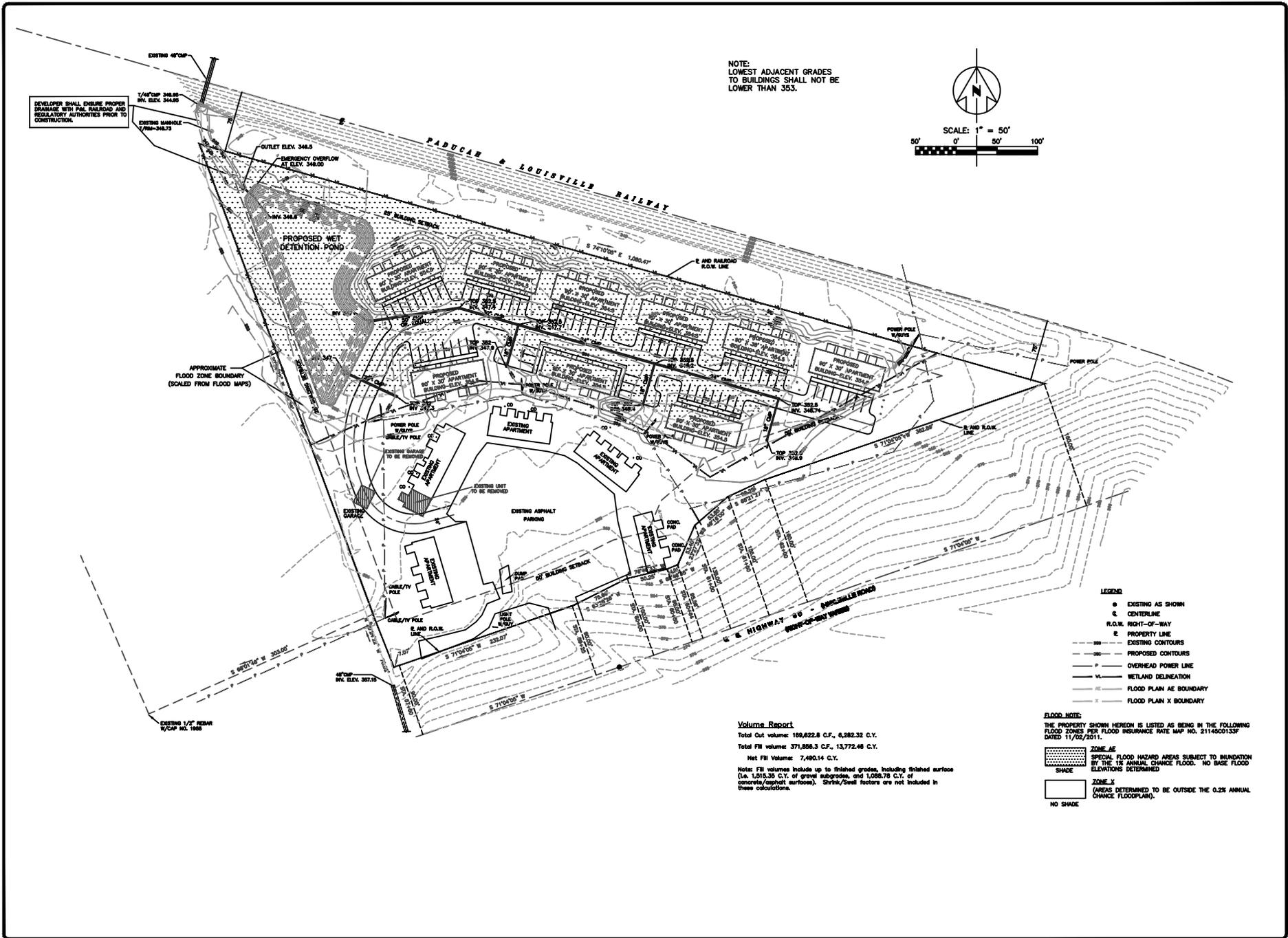
 **5H Technologies, Inc.**
1646 Kentucky Ave
Paducah, Kentucky 42003

Project Name Hunter Martin and Associates, Inc.
Wetland Delineation

Drawing Number 317.01 **Date** 11/1/2013

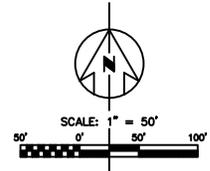
 **USGS Topographic Map of Impact Site**


0 237.5 475 950 1,425 1,900



DEVELOPER SHALL ENSURE PROPER DRAINAGE WITH PAID, RAILROAD AND REGULATORY AUTHORITIES PRIOR TO CONSTRUCTION.

NOTE:
LOWEST ADJACENT GRADES
TO BUILDINGS SHALL NOT BE
LOWER THAN 353.



APPROXIMATE
FLOOD ZONE BOUNDARY
(SCALED FROM FLOOD MAPS)

- LEGEND**
- EXISTING AS SHOWN
 - CENTERLINE
 - R.O.W. RIGHT-OF-WAY
 - PROPERTY LINE
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - OVERHEAD POWER LINE
 - WETLAND DELINEATION
 - FLOOD PLAN AE BOUNDARY
 - FLOOD PLAN X BOUNDARY

FLOOD NOTE:
THE PROPERTY SHOWN HEREON IS LISTED AS BEING IN THE FOLLOWING FLOOD ZONES PER FLOOD INSURANCE RATE MAP NO. 21145C0133 DATED 11/02/2011.

- ZONE AE**
SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. NO BASE FLOOD ELEVATIONS DETERMINED
- ZONE X**
AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO SHADE**

Volume Report
Total Cut volume: 189,822.8 CF., 6,982.32 C.Y.
Total Fill volume: 371,826.3 CF., 13,772.48 C.Y.
Net Fill Volume: 7,490.14 C.Y.

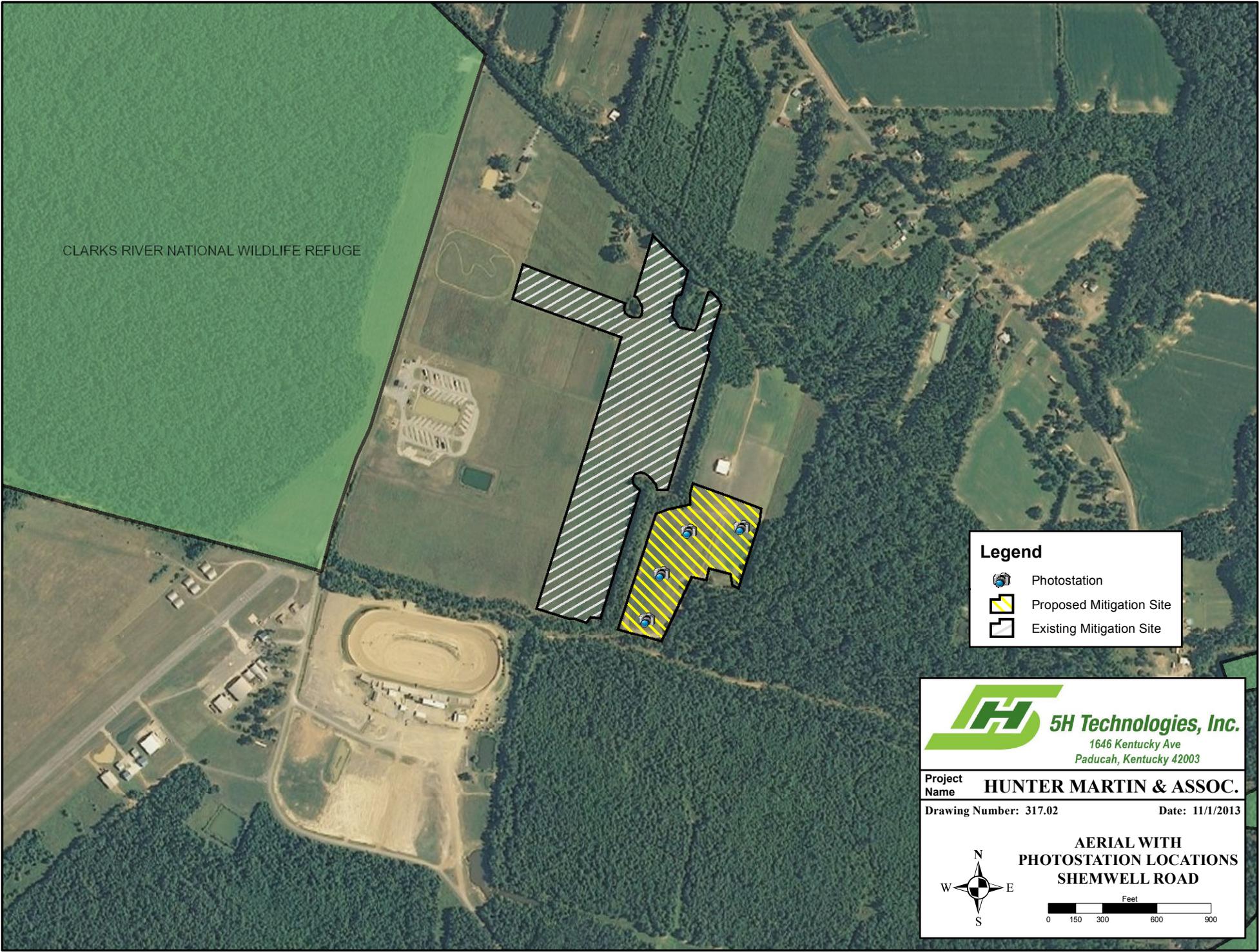
Note: Fill volumes include up to finished grades, including finished surface (i.e. 1.21535 C.Y. of gravel subgrade, and 1.02679 C.Y. of concrete/asphalt surfaces). Shrink/Swell factors are not included in these calculations.

HUNTER MARTIN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
1000 S. MAIN ST., SUITE 200
PADUCAH, KY 40301
PH: 502.709.1234
FAX: 502.709.1235



Drawn by: JME
Checked by: JME
File No: LID 8187
Date: 8/25/13
Revised: 8/3/13

HAWKVILLE ROAD APARTMENTS PROPOSED SITE PLAN
HAWKVILLE ROAD (US HIGHWAY 90), PADUCAH
MCBRACKER COUNTY, KENTUCKY
J ANNE M PROFFERER, LLC



CLARKS RIVER NATIONAL WILDLIFE REFUGE

Legend

-  Photostation
-  Proposed Mitigation Site
-  Existing Mitigation Site



5H Technologies, Inc.
 1646 Kentucky Ave
 Paducah, Kentucky 42003

Project Name HUNTER MARTIN & ASSOC.
Drawing Number: 317.02 **Date:** 11/1/2013

**AERIAL WITH
 PHOTOSTATION LOCATIONS
 SHERWELL ROAD**