Public Notice

US Army Corps of Engineers
Louisville District ®

Public Notice No.	Open Date:	Close Date:
LRL-2013-906-pjl	29 Dec 2015	28 Jan 2015

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Pam Loeffler, CELRL-OPF-S, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059 Phone: 502-315-6693

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

APPLICANT: City of Vine Grove
300 West Main Street
Vine Grove, KY 40175

AGENT: HDR Incorporated
2517 Sir Barton Way
Lexington, KY 40509

LOCATION: Along Rose Creek near Rose Creek Drive in Vine Grove, Hardin County, Kentucky

Latitude: 37.820278° North
Longitude: -86.006111° West
7.5 Minute Quad: Vine Grove, KY

PURPOSE: To retain fill material placed in conjunction with a sanitary sewer replacement project.

DESCRIPTION OF WORK: The applicant replaced a sewer line and lateral lines along Rose Creek in 2013, in accordance with the terms of Nationwide Permit (NWP) No. 12 for Utility Line Activities. However, inspection of the site revealed the work was not in conformance with the NWP, due to permanent above-grade fills within the stream channel where each of the ten (10) lateral lines crossed the creek, and riprap armoring along the banks at these locations. The NWP requires that the crossings be put back to pre-construction contours, which could not be accomplished due to the slope requirement of the lateral lines and the elevation of the main sewer line. Therefore, the applicant has applied for authorization to retain approximately 955 cubic yards of rock riprap fill material placed within the stream channel in conjunction with the sewer replacement work.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Replacement of existing sewer lines and laterals resulted in permanent above-grade fill due to miscalculation of the level of the relocated sewer line and the required minimum slope of the lateral lines. Permanent fill

within the stream was unavoidable, in order to maintain cover over the installed lateral lines. No mitigation was proposed.

It is noted that the lack of a 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).

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. Pam Loeffler, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2013-906-pjl.

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-2013-906-pjl.

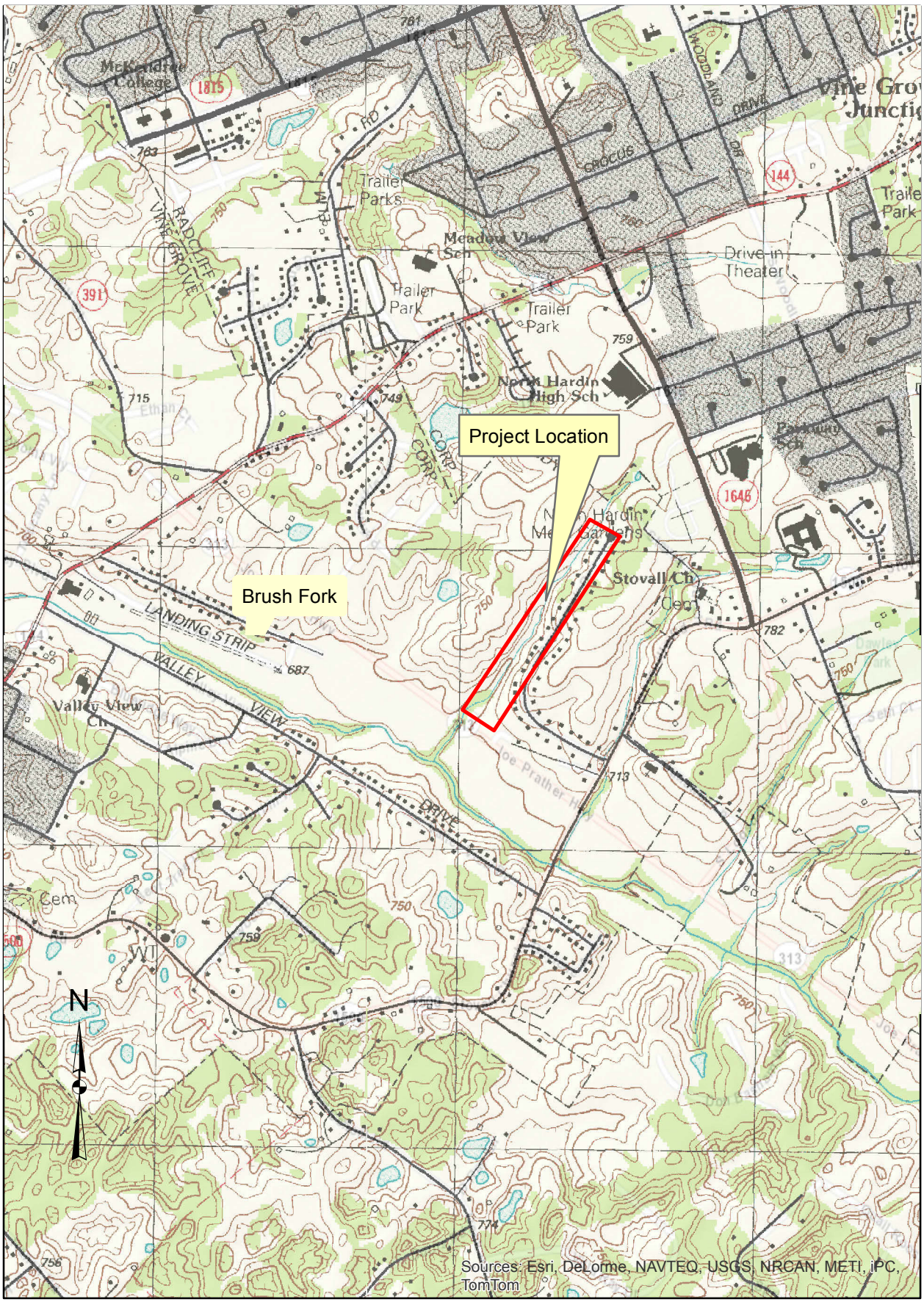
Example:

Subject: LRL-2013-906-pjl

b) Provide your physical mailing address and telephone number.

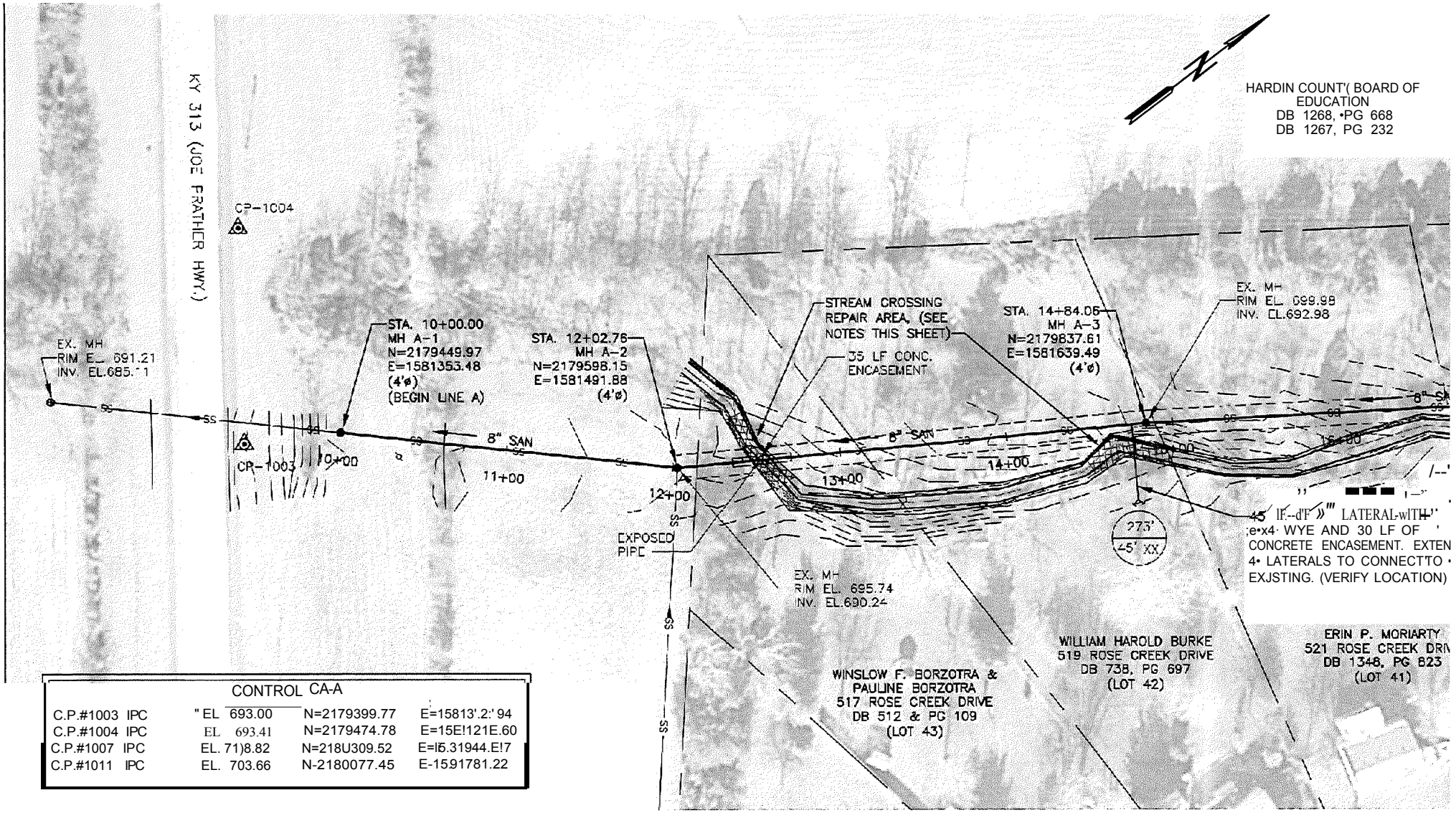
c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

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.



1 inch equals 0.29 miles

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 1 of 7



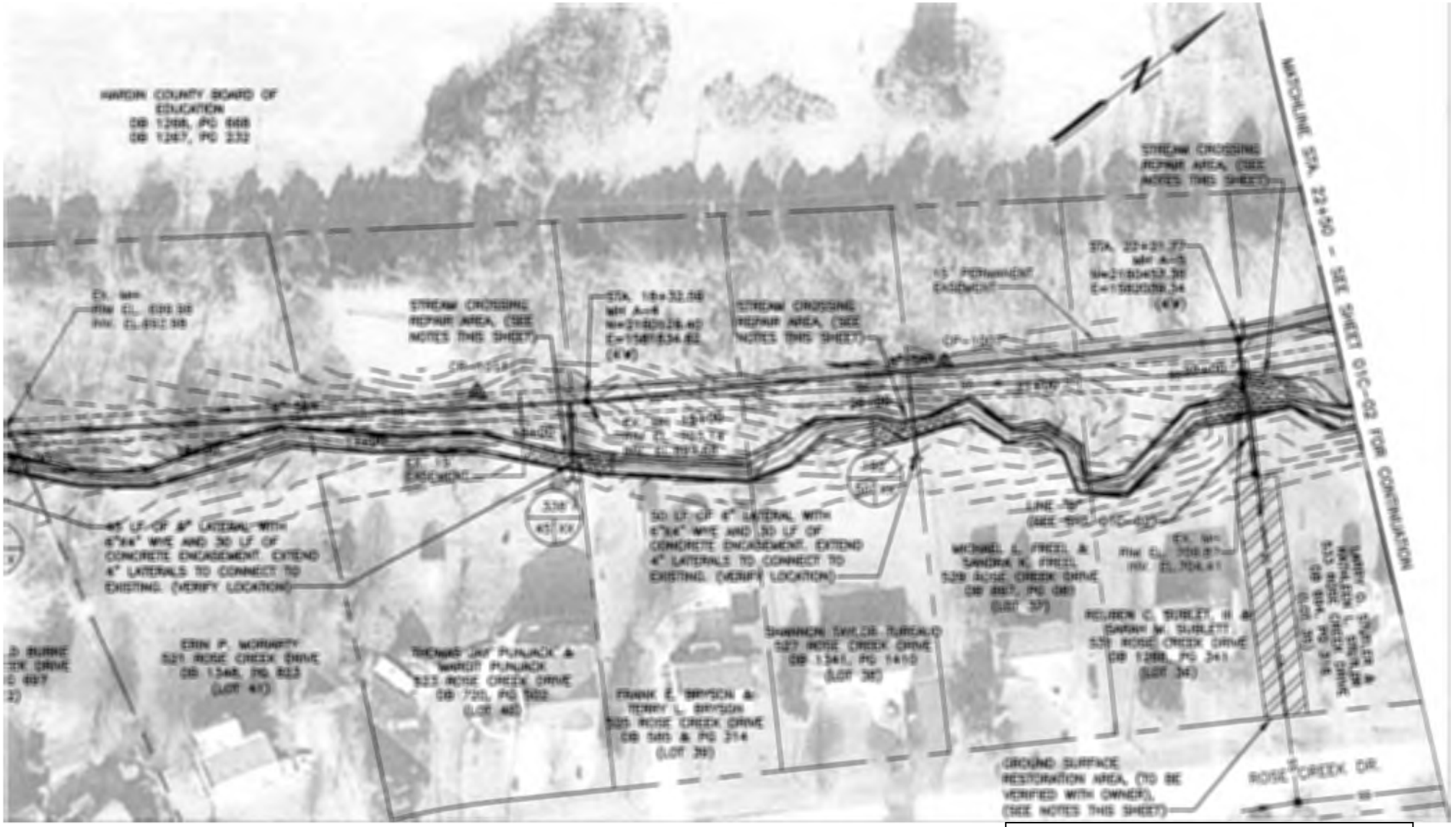
CONTROL CA-A

C.P.#1003 IPC	EL 693.00	N=2179399.77	E=15813'.2:'94
C.P.#1004 IPC	EL 693.41	N=2179474.78	E=15E!121E.60
C.P.#1007 IPC	EL. 71)8.82	N=218U309.52	E=I5.31944.E!7
C.P.#1011 IPC	EL. 703.66	N-2180077.45	E-1591781.22

PLAN

NOT TO SCALE

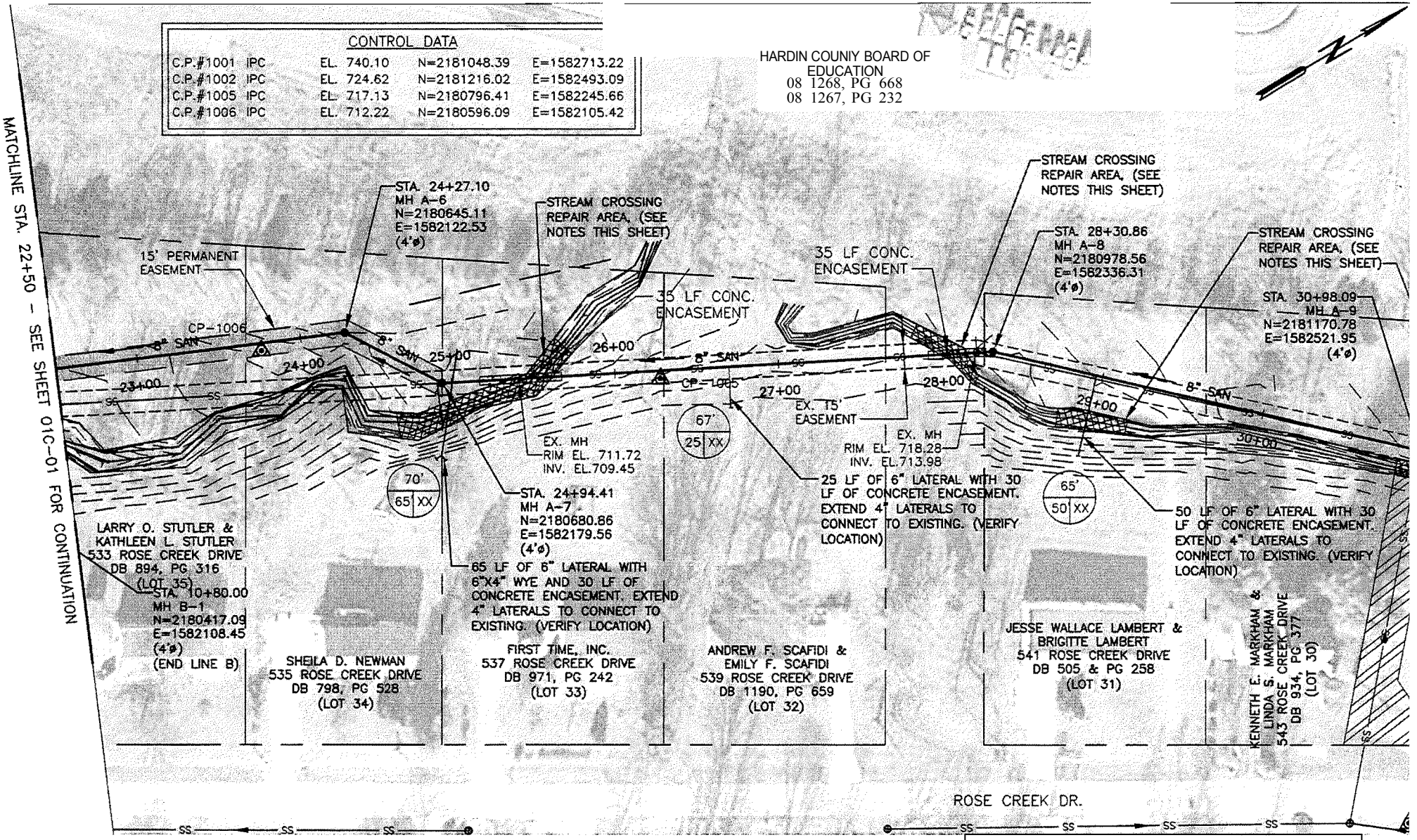
City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 2 of 7 **FIG. 1**



PLAN

NOT TO SCALE

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 3 of 7 FIG. 2

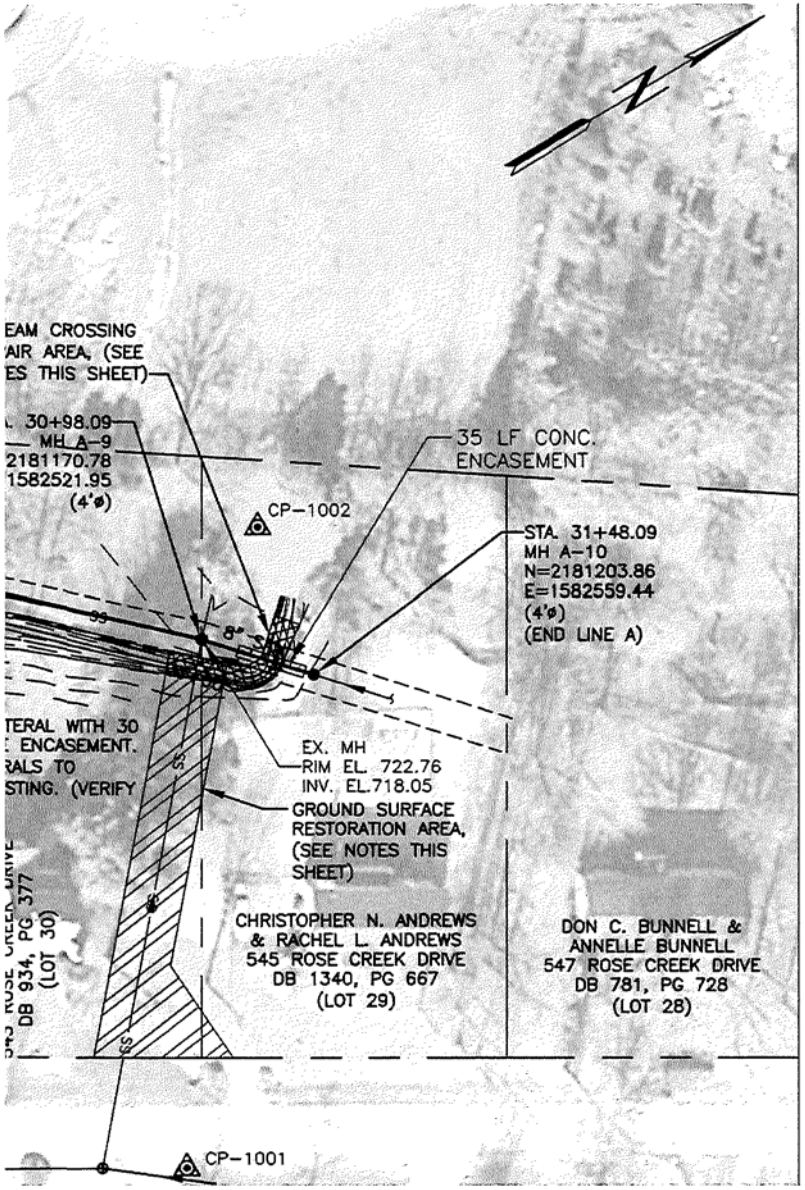


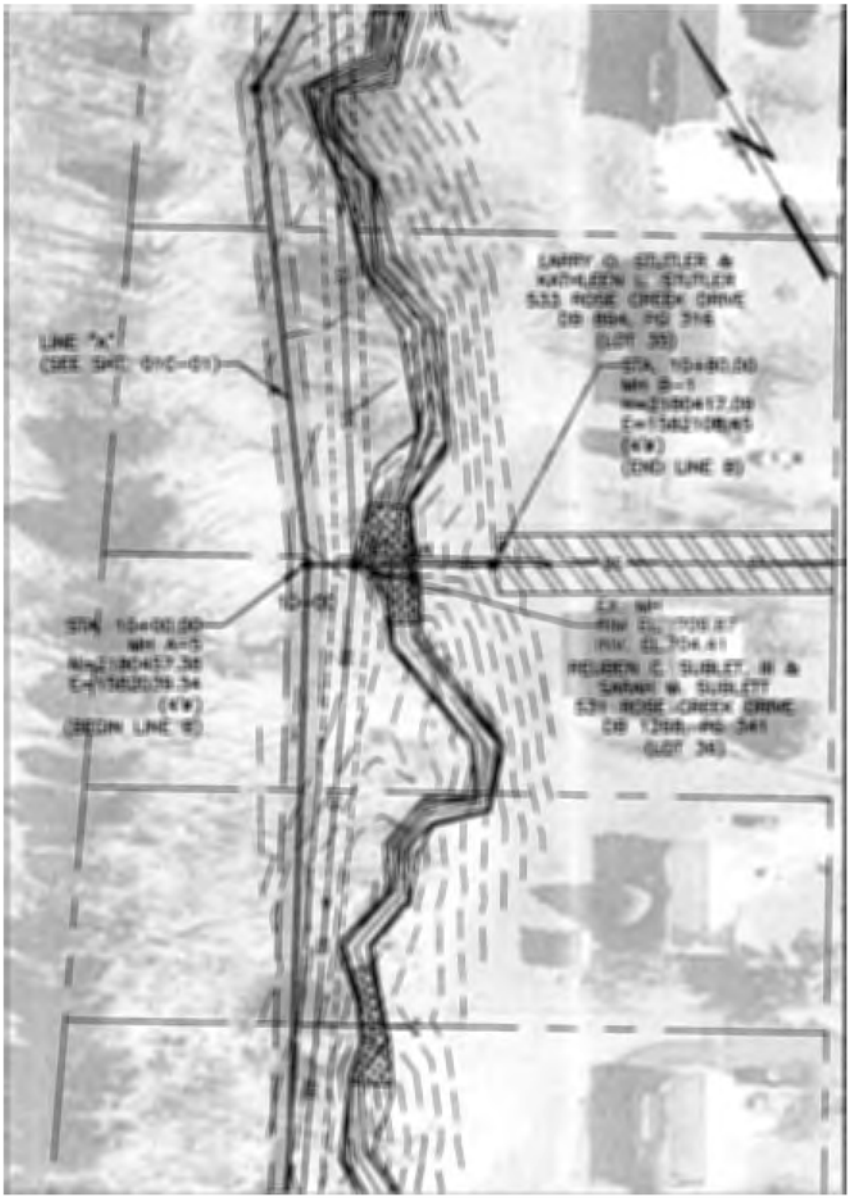
PLAN

NOT TO SCALE

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 4 of 7

FIG. 3



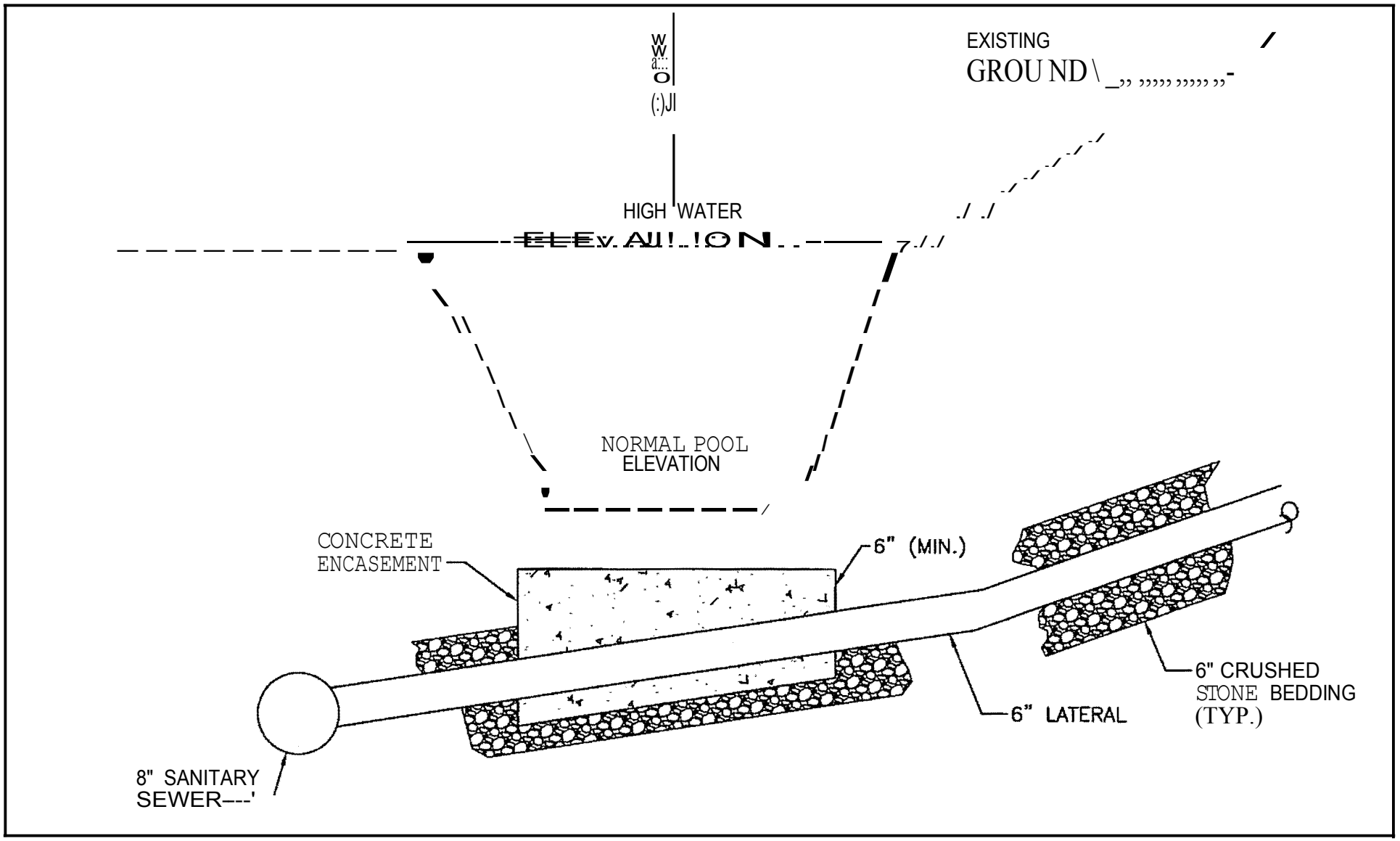


PLAN

NOT TO SCALE

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 5 of 7

FIG. 4

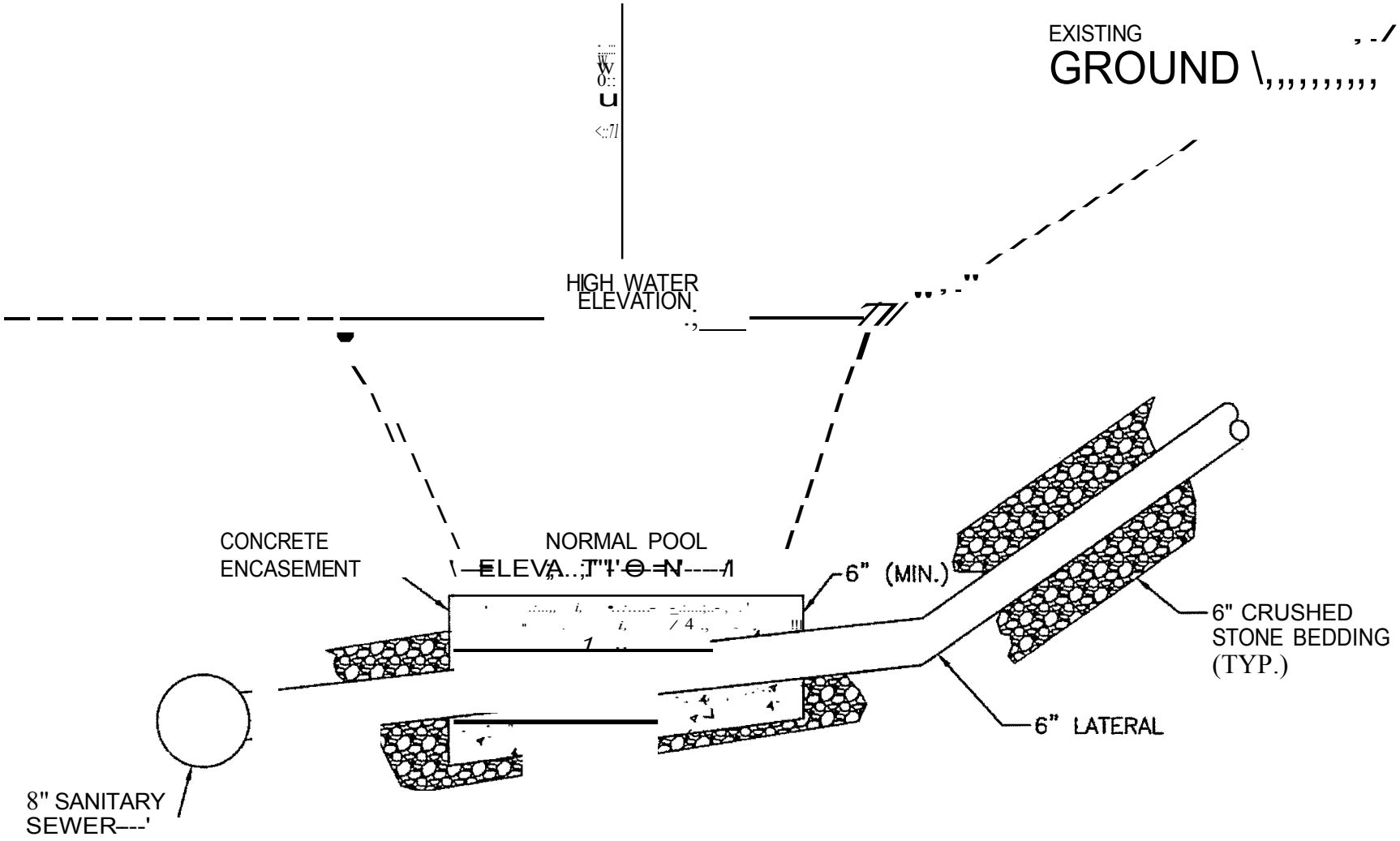


TYPICAL LATERAL CREEK CROSSING

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 6 of 7

DATE
DECEMBER 2015

FIGURE
1



1-)

TYPICAL SHALLOW LATERAL CREEK CROSSING

City of Vine Grove
Rose Creek Sewer Replacement Project
Hardin County, Kentucky
COE Public Notice No. LRL-2013-906
Sheet 7 of 7

DATE
DECEMBER 2015

FIGURE
2