



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

# Public Notice

Public Notice No.  
LRL-2014-515-sew

Open Date:  
25 Sep 2014

Close Date:  
27 Oct 2014

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. Sam Werner, CELRL-OP-FW,  
6855 State Road 66  
Newburgh, Indiana 47630

Phone: 812-842-2768

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

**APPLICANT:** Walmart Real Estate Business Trust  
2001 SE 10<sup>th</sup> Street  
Bentonville, Arkansas 72716

**AGENT:** Carlson Consulting Engineers, Inc.  
7068 Ledgestone Commons  
Bartlett, Tennessee 38133

**LOCATION:** Wetlands and ephemeral tributaries to Otter Creek  
on an approximately 25.1-acre site, located ½  
mile northeast of Hanson, Hopkins County,  
Kentucky.

Latitude: 37.422621°N  
Longitude: -87.473824°W  
7.5 Minute Quad: Hanson, Kentucky

**PURPOSE:** To construct a Walmart Supercenter with  
associated attendant features.

**DESCRIPTION OF WORK:** The applicant proposes to discharge approximately 5500 cubic yards of engineered fill material, 720 cubic yards of asphalt pavement, and 6 cubic yards of concrete into 0.639 acre of palustrine scrub/shrub (PSS) wetlands, 0.015 acre of palustrine forested (PFO) wetlands, 0.119 acre of palustrine emergent (PEM) wetlands, and 605 linear feet of unnamed ephemeral tributaries to Otter Creek. The activity is required to construct the proposed Super Walmart and attendant features.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The applicant through the consideration of multiple project alternatives has developed a proposal to avoid impacting 0.465 acre of wetland and 811 linear feet of ephemeral streams on-site.

As mitigation for the proposed stream and wetland impacts, the applicant proposes to purchase credits from the Kentucky In-lieu Fee Program. The applicant proposes to purchase 363 stream Adjusted Mitigation Units (AMU) and 1.9 wetland AMU's.

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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 (NRHP) has been examined, and a Phase I archaeological investigation has been completed for the area which would be directly affected by the proposed work. Two previously recorded archaeological sites were present and revisited by the survey but no previously unrecorded sites were found within the survey area. One site contained no cultural materials or intact subsurface archaeological features or deposits and was recommended to not be eligible for listing on the National Register of Historic Places (NRHP). The other site contained a stone lined well and intact subsurface archaeological deposits below the plow zone. Given the artifact assemblage, the site is recommended to be considered potentially eligible for listing on the NRHP. The consultant recommended additional Phase II archaeological testing. If we are made aware, as a result of comments received in response to this notice, or by other means, of additional 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 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 Mr. Sam Werner, CELRL-OP-FW at the address noted above and should refer to the Public Notice Number LRL-2014-515-sew.

If you desire to submit your comments by email, you must comply with the following:

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a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2014-515-sew.

Example:

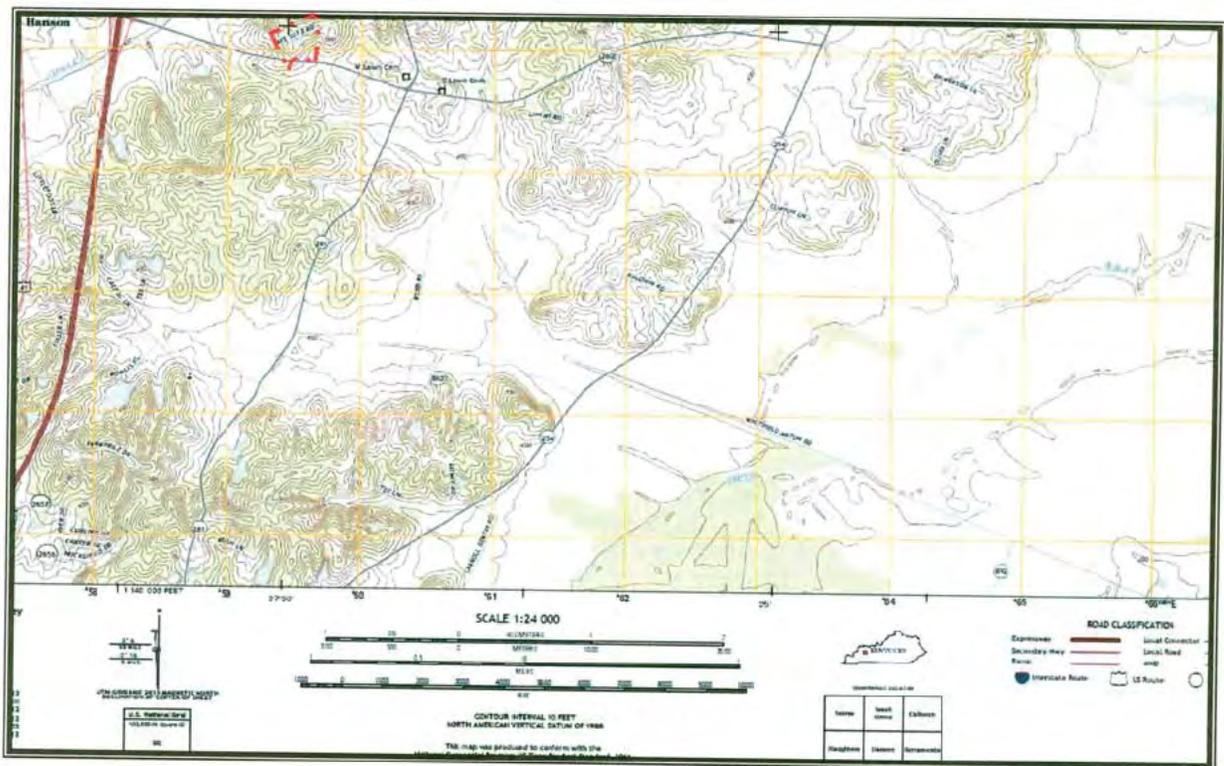
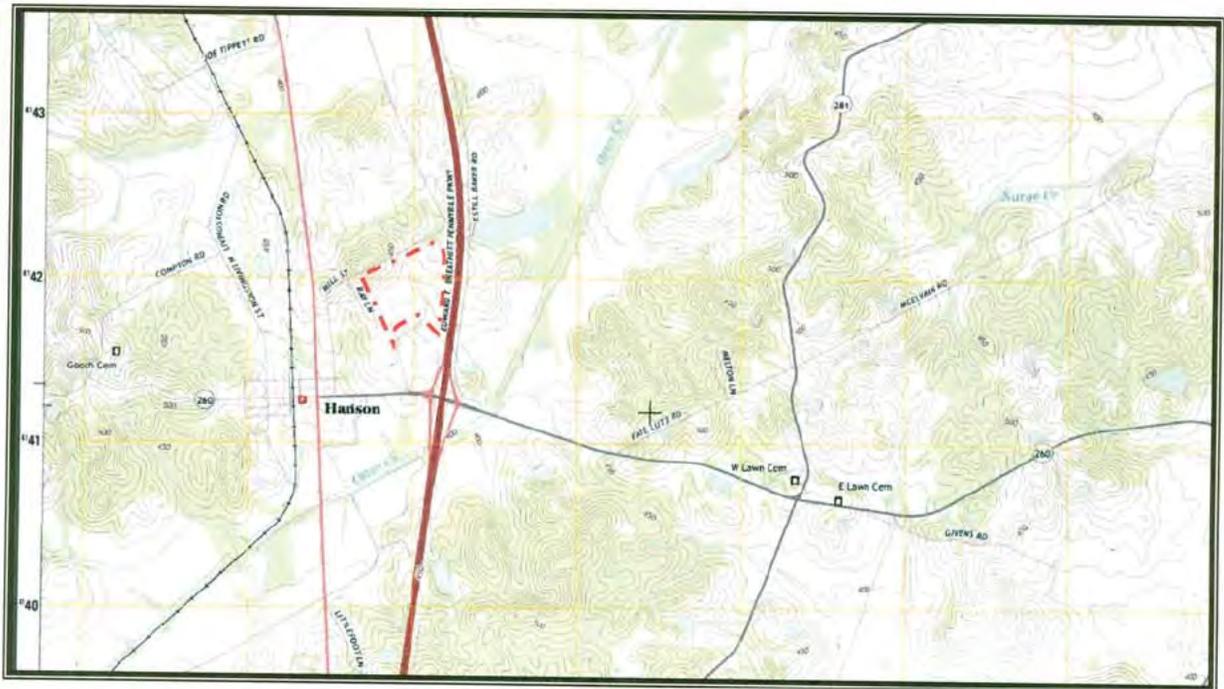
Subject: LRL-2014-515-sew

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.

### USGS QUADRANGLE MAPS: HANSON, KY (2013)



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Walmart Supercenter  
Vicinity Map  
Sheet 1 of 4



AERIAL IMAGE

LATITUDE: 37°25'17"N LONGITUDE: 87°28'27"W

Factory Outlet Road

HANSON, KENTUCKY

 Proposed Project Site

Source: Google Earth



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Walmart Supercenter  
Aerial Location Map  
Sheet 2 of 4

**DEFINED CHANNELS:**  
 CHANNEL A: AN UNNAMED 1ST ORDER EPHEMERAL TRIBUTARY OF WATER CREEK: TOTAL LENGTH +/- 1,267.1 LF  
 UPPER SECTION  
 CHANNEL CLASSIFICATION: C6  
 ON-SITE LENGTH +/- 1,267.1 LF  
 WIDTH/DEPTH RATIO +/- 1.13  
 SINUOSITY (MODERATE) +/- 0.009  
 SLOPE +/-

CHANNEL B: AN UNNAMED 1ST ORDER EPHEMERAL STREAM SEGMENT OF OTHER CREEK: TOTAL LENGTH +/- 149.3 LF  
 UPPER SECTION  
 CHANNEL CLASSIFICATION: C6  
 ON-SITE LENGTH +/- 149.3 LF  
 WIDTH/DEPTH RATIO +/- 5.21  
 SINUOSITY (MODERATE) +/- 1.09  
 SLOPE +/- 0.021

NEITHER IS SHOWN ON USGS MAP AS BLUE-LINE STREAM

N.T.S.  
 TOTAL AREA: 67.95 AC

**SOIL TYPE DESCRIPTIONS:**

Br:	BELKNAP SILT LOAM	N/A	HYDRIC INCLUSIONS (6%)
Co:	COLLINS SILT LOAM	N/A	NON-HYDRIC
Fd:	FRONDRUP-LENSBURG SILT LOAM	12% - 30% SLOPES	NON-HYDRIC
Hs:	HOSMER SILT LOAM	2% - 6% SLOPES	NON-HYDRIC
UhsCz:	HOSMER SILT LOAM ERODED	5% - 12% SLOPES	NON-HYDRIC
ZsCz:	ZANESVILLE SILT LOAM SEVERELY ERODED	5% - 12% SLOPES	NON-HYDRIC

HYDRIC = DESIGNATED AS PC  
 HYDRIC INCLUSIONS - DESIGNATED AS NW/PC  
 NON-HYDRIC

**TEST SITE DESCRIPTIONS:**

**TEST SITE 1**  
 HYDROPHYTIC VEGETATION: INDICATORS ARE PRESENT  
 WETLAND HYDROLOGY: INDICATORS NOT PRESENT  
 HYDRIC SOILS: INDICATORS ARE PRESENT

**TEST SITE 2**  
 HYDROPHYTIC VEGETATION: INDICATORS ARE PRESENT  
 WETLAND HYDROLOGY: INDICATORS ARE PRESENT  
 HYDRIC SOILS: INDICATORS ARE PRESENT

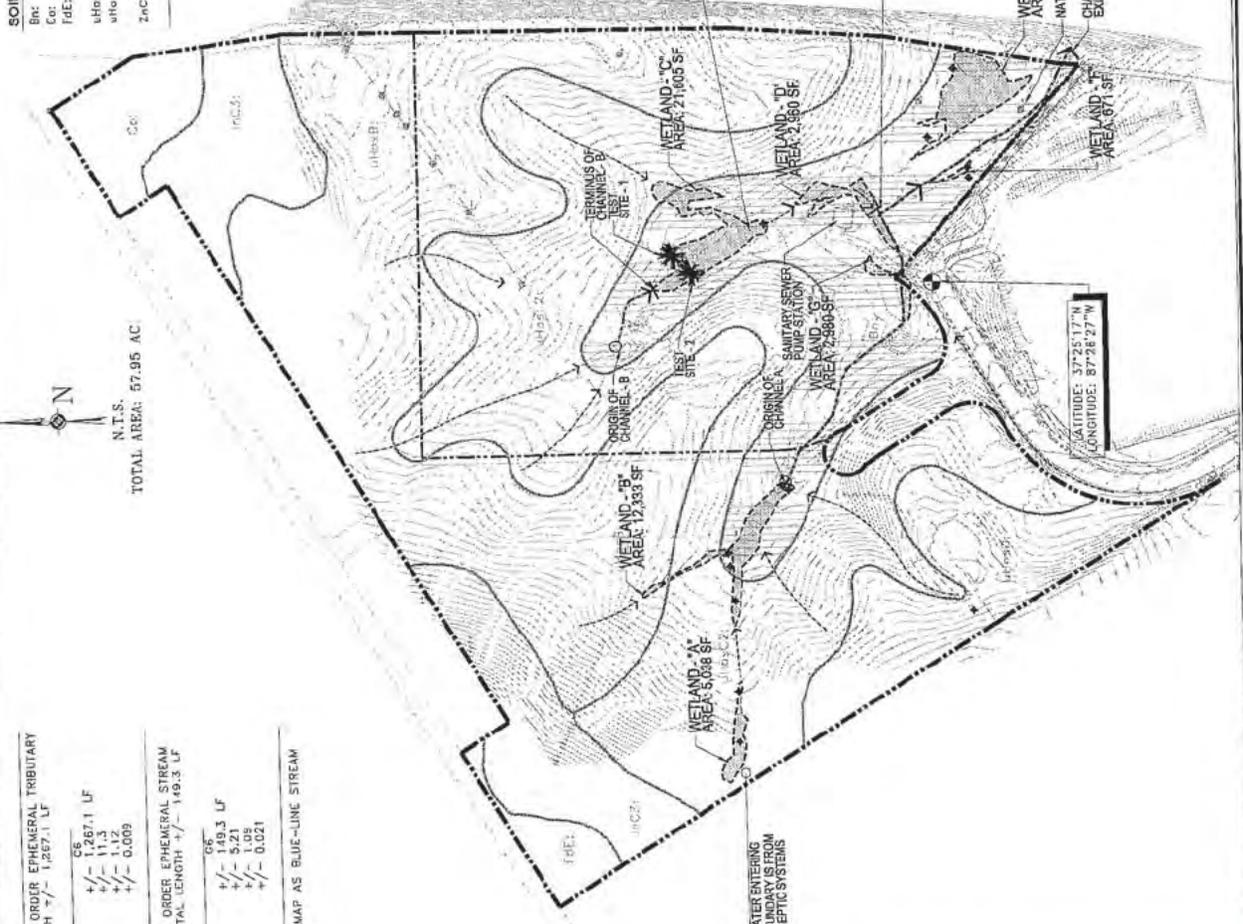
TEST SITE -1 IS NOT A WETLAND  
 TEST SITE -2 IS A WETLAND

**WETLAND AREAS:**

WETLAND "A"	5,038 SF
WETLAND "B"	12,333 SF
WETLAND "C"	21,605 SF
WETLAND "D"	7,690 SF
WETLAND "E"	7,919 SF
WETLAND "F"	879 SF
WETLAND "G"	2,680 SF

TOTAL AREA DEINEATED AS WETLANDS: 58,144 SF  
 +/- 1.64 AC

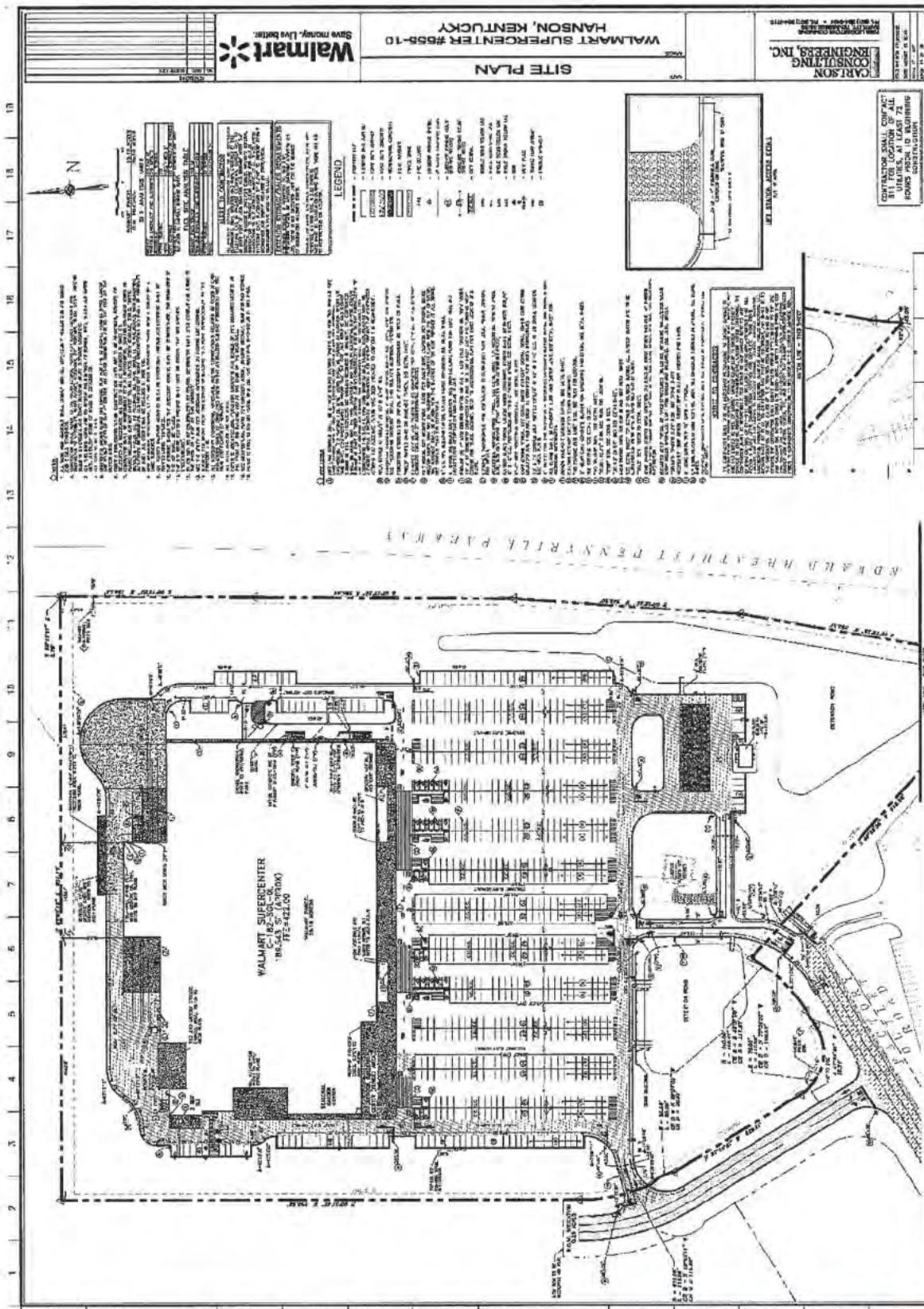
ALL WETLAND BOUNDARIES LOCATED USING GPS UNIT.  
 VALLEY - B WETLANDS ARE THE RESULT OF EXCESSIVE SEDIMENTATION WITHIN LOWER SECTOR OF CHANNEL - B



- LEGEND:**
- TEST SITE (FULL EVALUATION)
  - SOIL EVALUATION
  - DRAINAGE PATTERN
  - STREAM
  - ORIGIN OF STREAM
  - LATITUDE/LONGITUDE MARKER
  - DELINEATED WETLANDS

NOTE: THE LOCATIONS OF THE DRAINAGE PATTERNS SHOWN BY THE GRAPHIC ARROWS ARE APPROXIMATED. THEIR LOCATIONS ARE BASED ON TOPOGRAPHICAL INFORMATION AND THE INVESTIGATION OF THE SITE. THESE SWALES WERE NOT LOCATED BY THE GPS.

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 Walmart Supercenter  
 Aquatic Resources Map  
 Sheet 3 of 4



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Walmart Supercenter  
Plan View Map  
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