

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

Public Notice

Public Notice No.
LRL-2018-691

Date:
23 Aug 2018

Closing Date:
24 Sep 2018

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

Phone: 502-315-6693

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

APPLICANT:

Mr. Jim Calvery
LaGrange, LLC
6060 Dutchmans Lane, Suite 110
Louisville, Kentucky 40205

AGENT:

Mr. Richard McLean
Water Resources, LLC
12700 Townepark Way
Louisville, Kentucky 40243

LOCATION:

Wetlands and an unnamed tributary to North Fork of Southern Ditch within a 61-acre parcel at 906 West Clay Road in Louisville, Jefferson County, Kentucky

Quad: Louisville East
Latitude: 38.13706
Longitude: -85.70183

PURPOSE:

To construct a warehouse/office complex and associated infrastructure on a 61-acre tract of undeveloped land.

EXISTING CONDITIONS: The project site is a 61-acre parcel situated just northeast of the I-65 / SR 1065 (Outer Loop) interchange. The property contains 7.05 acres of jurisdictional palustrine forested wetlands, identified as Wetland E - 5.19 acres; Wetland F - 0.08 acre; Wetland G - 1.78 acres. There is one ephemeral stream channel that flows east to west across the property near its north end, identified as NRP-1, extending a total length of 1,675 feet, with 850 linear feet (lft) contained in a concrete-lined ditch.

DESCRIPTION OF WORK: The proposed project includes construction of a 1,032,382 square-foot warehouse/office complex and associated infrastructure, including standard construction activities such as erosion prevention and sediment control, grading, storm sewer and utility line installation, paving, and building construction. All waters contained onsite would be impacted as a result of the proposed construction activity either from filling or excavation activities.

Impacts would include the discharge of fill material into 6.13 acres of the wetlands and encapsulation of 0.31 acre of the ephemeral stream, necessary for building construction and to provide adequate space for entrance/exit roads and turn-around space at loading docks. Additionally, 0.92 acre of wetland would be excavated to position adequate flood storage onsite in order to comply with local flood ordinances. Approximately 75,000 cubic yards of clean, native silt loam soils generated from onsite earthwork, along with unconsolidated glacial drift (including shale rock) would be discharged into aquatic resources in the project area to facilitate site development. This would specifically include 4.78 acres of Wetland E, 0.08 acres of Wetland F, 1.27 acres of Wetland G, and 0.31 acre of NPR-1.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant attempted to configure building locations and associated infrastructure to avoid and minimize impacts to regulated aquatic resources; however, avoidance was not possible due to the configuration of aquatic resources within the project boundaries. The applicant proposes to mitigate the loss of 7.05 acres of palustrine forested wetlands by purchasing mitigation credits from the Preston Mitigation Bank in Jefferson County and the Rolling Fork Mitigation Bank in Nelson County (at a ratio of 2:1. Also, to mitigate the loss of 1,675 lft of stream impacts, the applicant proposes to purchase credits from the Kentucky Stream and Wetland Restoration In-Lieu Fee Program.

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 information by the applicant, and a review of the Information for Planning and Consultation (IPAC) website, <https://ecos.fws.gov/ipac/>, the following federally-listed species are known to or believed to occur in the area to be affected (directly or indirectly) by the proposed action:

List of Species

Gray Bat (*Myotis grisescens*)

Indiana Bat (*Myotis sodalis*)

Northern Long-eared Bat (*Myotis septentrionalis*)

Running Buffalo Clover (*Trifolium stoloniferum*)

The Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7(a) 2 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered, or any designated critical habitat. A copy of this notice is being furnished to the USFWS for their review. Per this notification, we request comments from the USFWS concerning potential impact to threatened and/or endangered species. After receipt of comments, the USACE will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat and initiate consultation with USFWS, if required.

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 consulted and it has been determined that there is one site potentially eligible for listing on the Register. Prior to taking final action on this application, this office will establish the location of the site relative to the proposed worksite. Any impacts on such properties will be evaluated and considered in making the final decision. With respect to other sites not currently listed on the Register, 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

Regulatory Division
South Branch
Public Notice No. LRL-2018-691-pjl

should be addressed to Ms. Pam Loeffler, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2018-691-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-2018-691-pjl

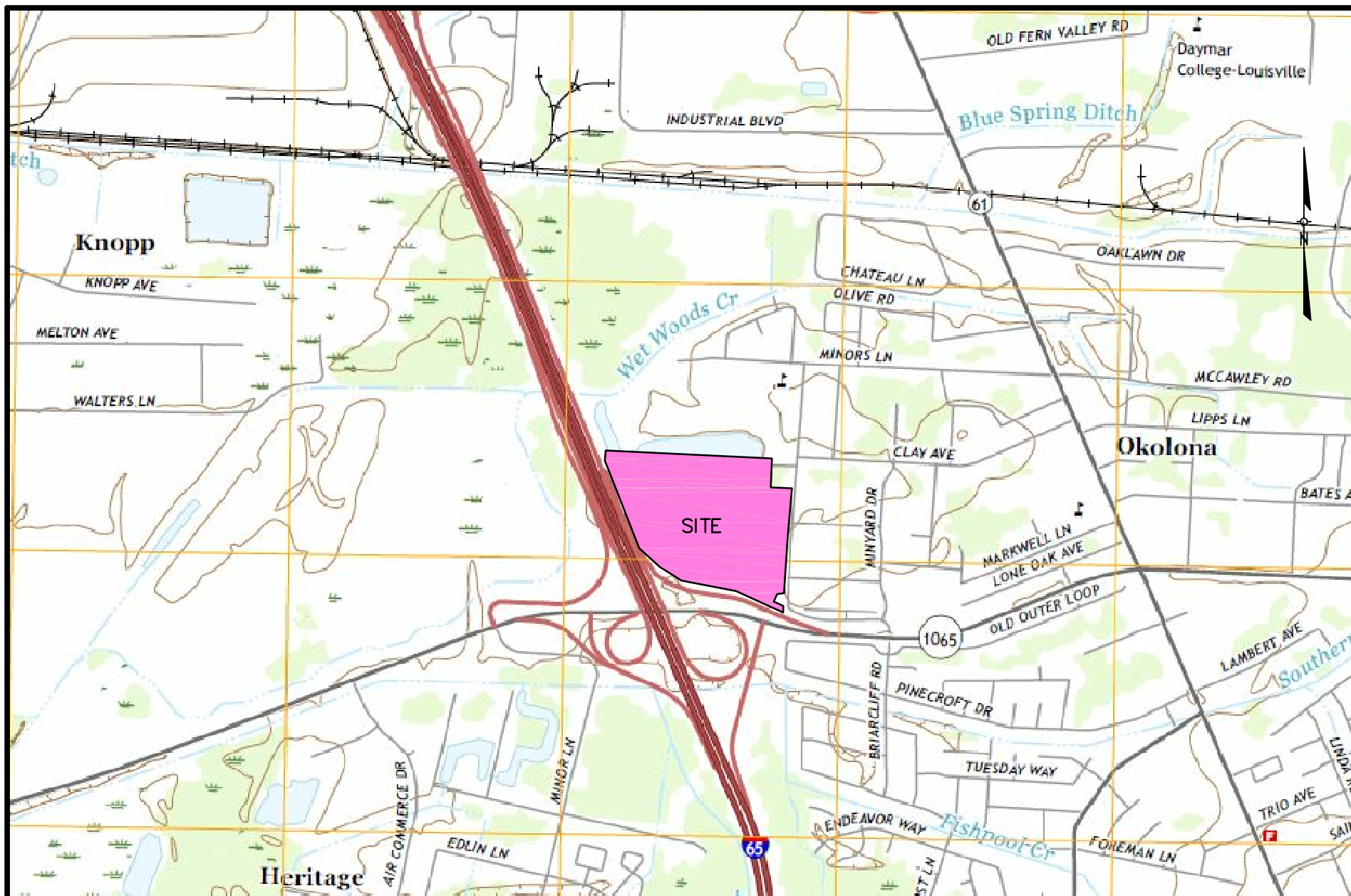
Example:

Subject: LRL-2018-691-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.



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502.327.7073 www.milestonedesign.org

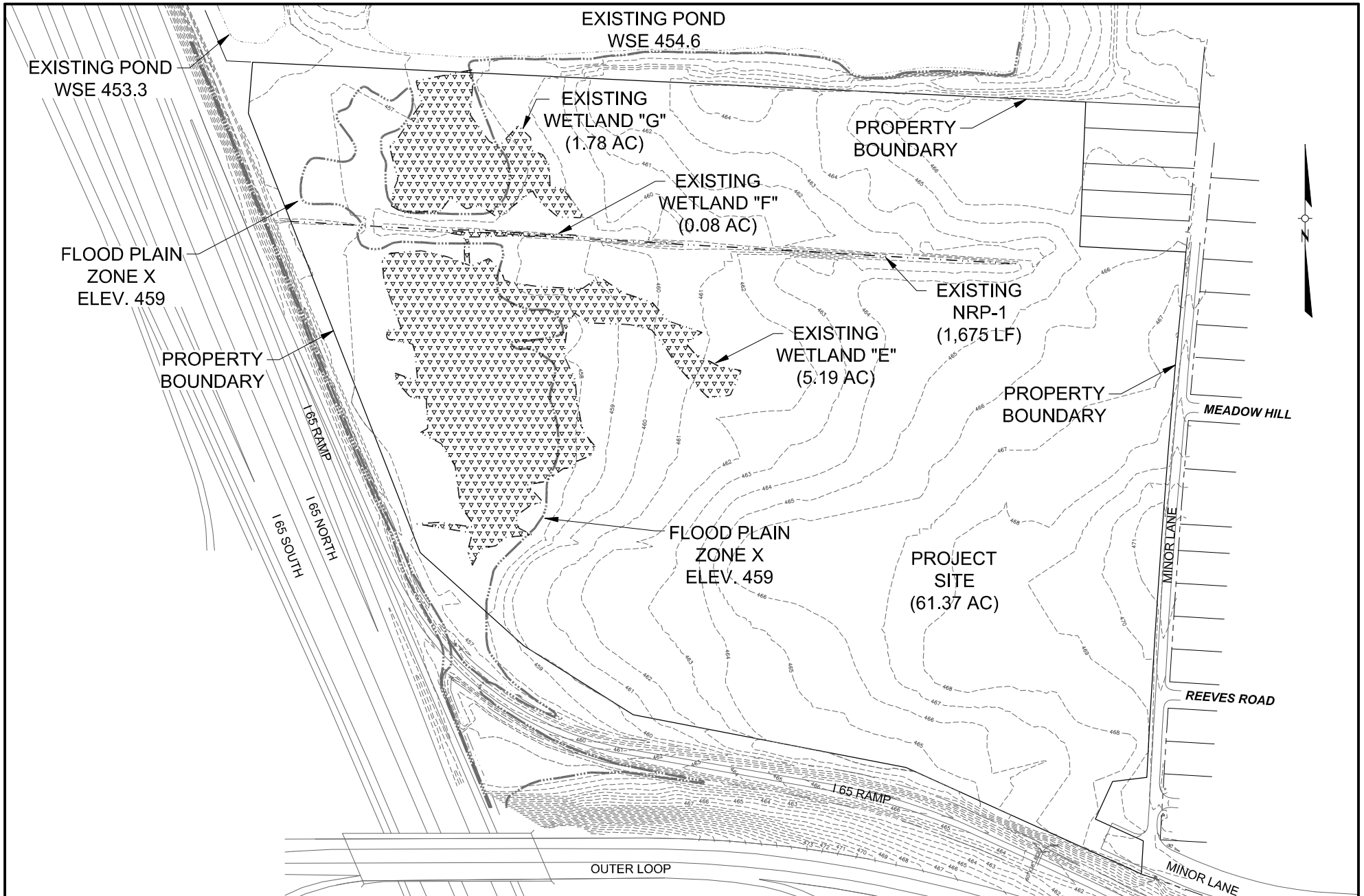
JOB NUMBER:
18016

SCALE:
1" = 300'

DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl - JD
Public Notice No. LRL-2018-691-pjl
WETLANDS AND UNNAMED INTERMITTENT
TRIBUTARY TO NORTH FOLK SOUTHERN DITCH

LOGISTICS AIRPARK
VICINITY MAP
LOUISVILLE EAST QUAD
BLOCK 18: EXHIBIT 1 OF 8



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JOB NUMBER:
18016

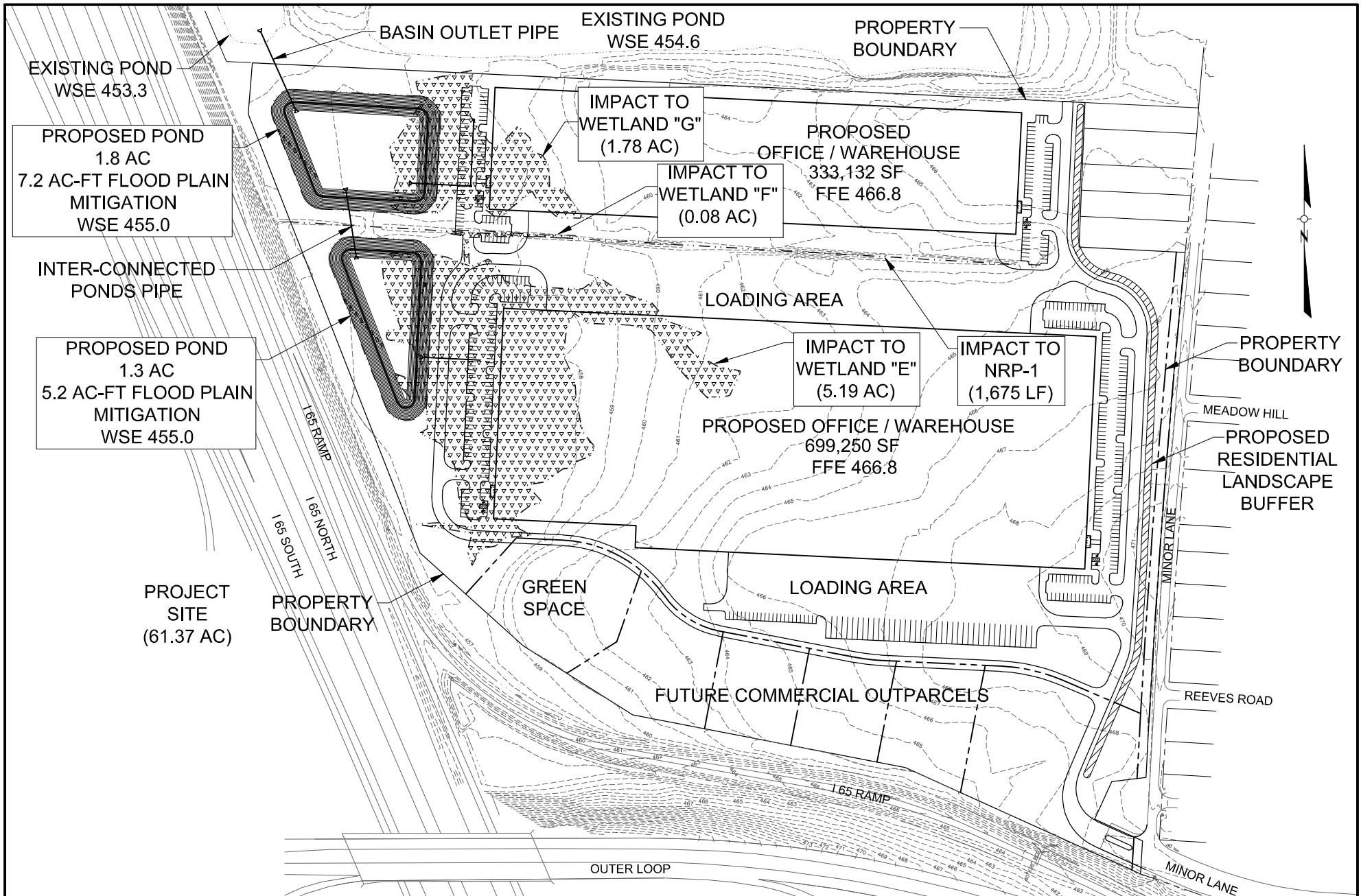
SCALE:
1" = 300'

DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl -JD
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WETLANDS AND UNNAMED INTERMITTENT
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LOGISTICS AIRPARK
PRE-DEVELOPED SITE
PLAN VIEW

BLOCK 18: EXHIBIT 2 OF 8



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JOB NUMBER:
18016

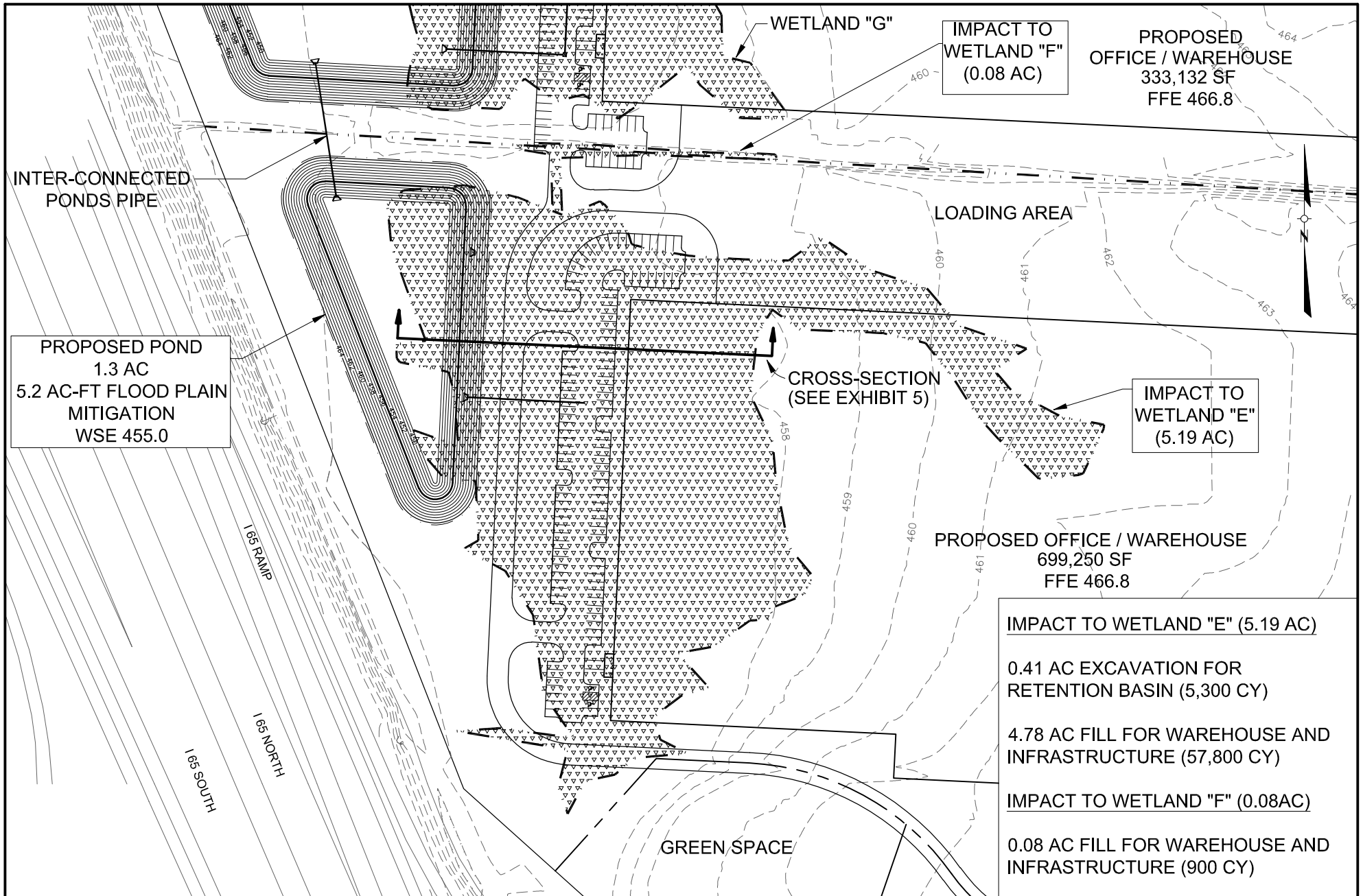
SCALE:
1" = 300'

DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl -JD
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WETLANDS AND UNNAMED INTERMITTENT
TRIBUTARY TO NORTH FOLK SOUTHERN DITCH

LOGISTICS AIRPARK
POST-DEVELOPED SITE
PLAN VIEW

BLOCK 18: EXHIBIT 3 OF 8



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JOB NUMBER:
18016

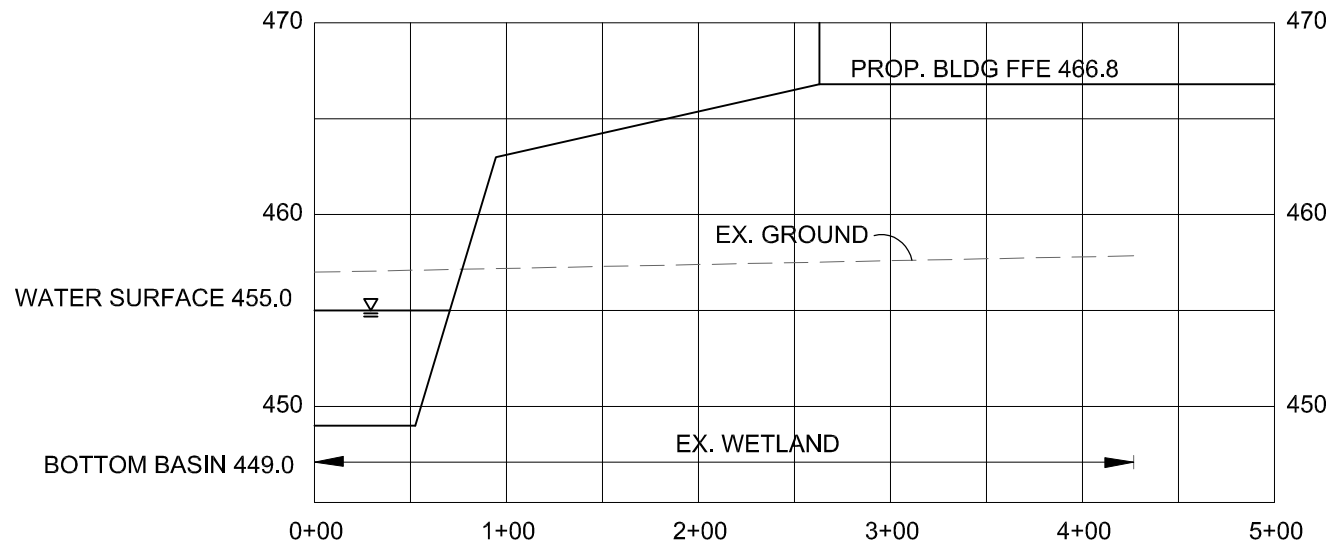
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DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl -JD
Public Notice No. LRL-2018-691-pjl
WETLANDS AND UNNAMED INTERMITTENT
TRIBUTARY TO NORTH FOLK SOUTHERN DITCH

LOGISTICS AIRPARK
POST-DEVELOPED WETLAND "E" & "F"
PLAN VIEW

BLOCK 18: EXHIBIT 4 OF 8



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JOB NUMBER:
18016

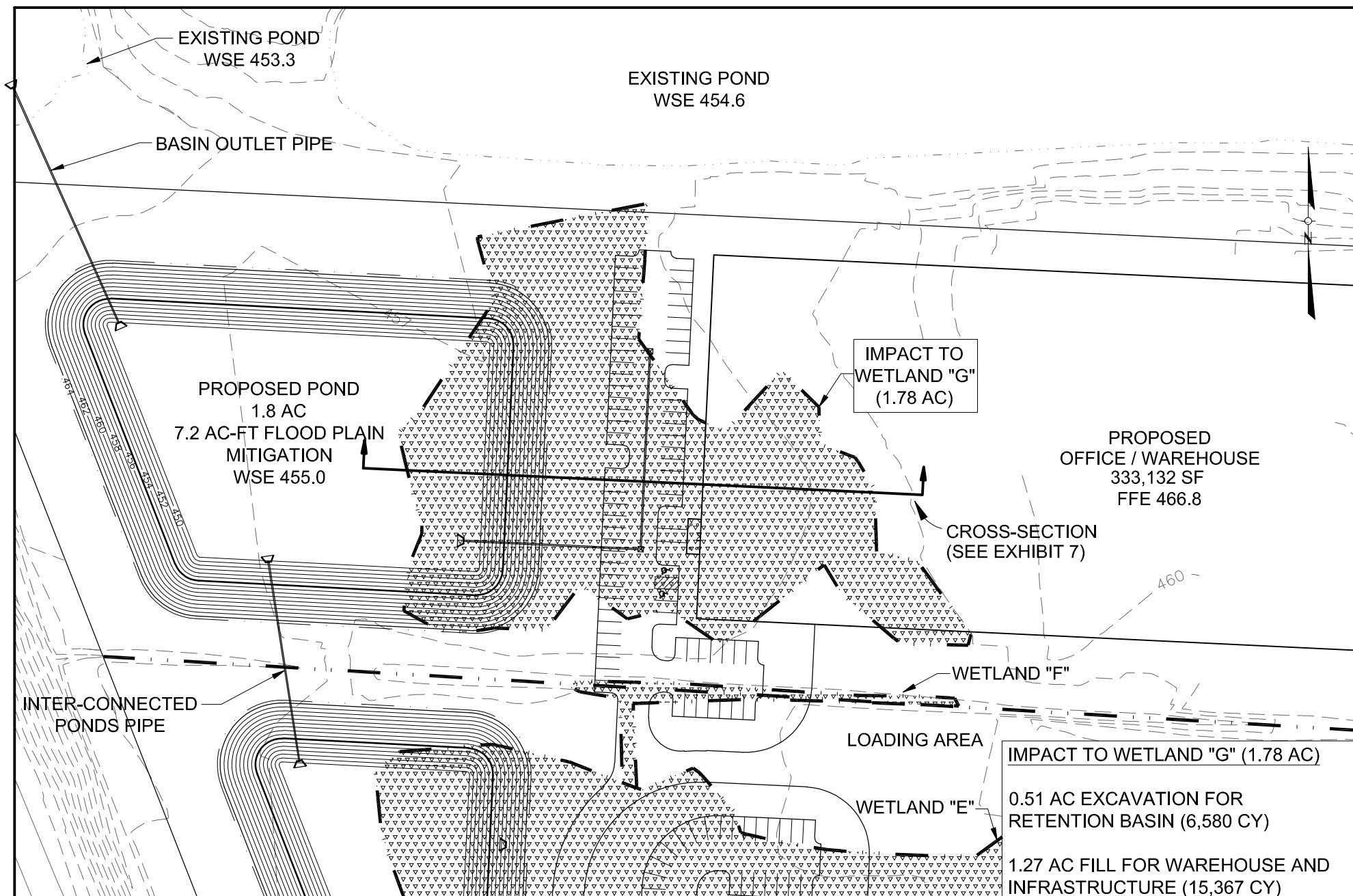
SCALE:
1"=100'H; 1"=10'V

DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl -JD
Public Notice No. LRL-2018-691-pjl
WETLANDS AND UNNAMED INTERMITTENT
TRIBUTARY TO NORTH FOLK SOUTHERN DITCH

LOGISTICS AIRPARK
POST-DEVELOPED WETLAND "E" & "F"
CROSS-SECTION VIEW

BLOCK 18: EXHIBIT 5 OF 8



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JOB NUMBER:
18016

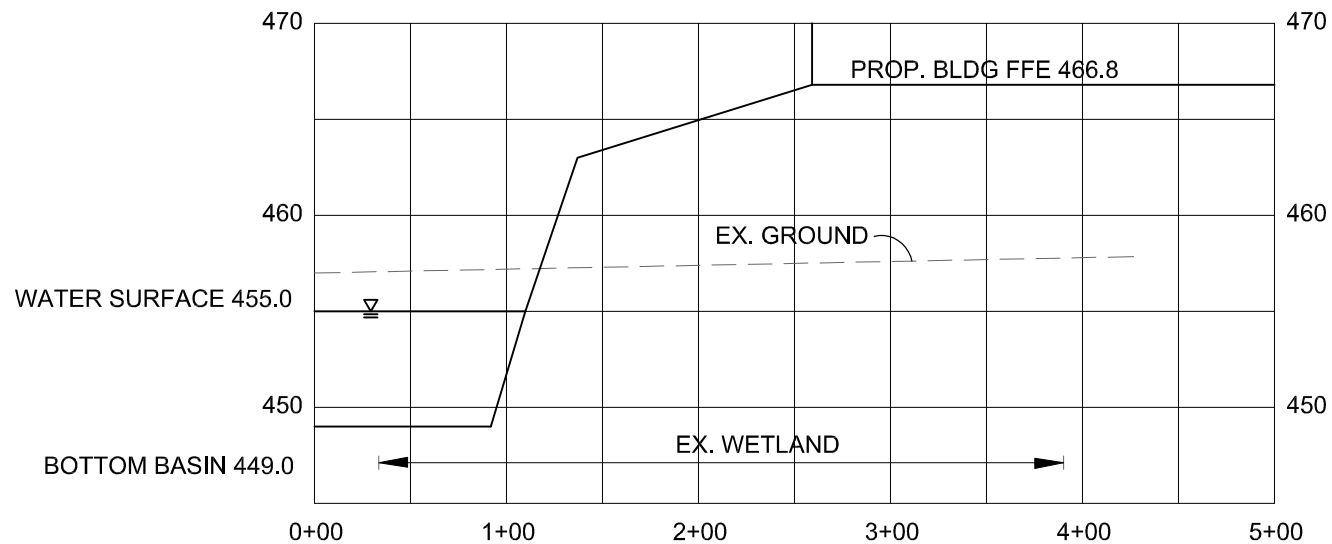
SCALE:
1" = 100'

DATE:
7/16/18

USACE PROJECT LRL-2015-524-pjl -JD
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WETLANDS AND UNNAMED INTERMITTENT
TRIBUTARY TO NORTH FOLK SOUTHERN DITCH

LOGISTICS AIRPARK
POST-DEVELOPED WETLAND "G"
PLAN VIEW

BLOCK 18: EXHIBIT 6 OF 9



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JOB NUMBER:
18016

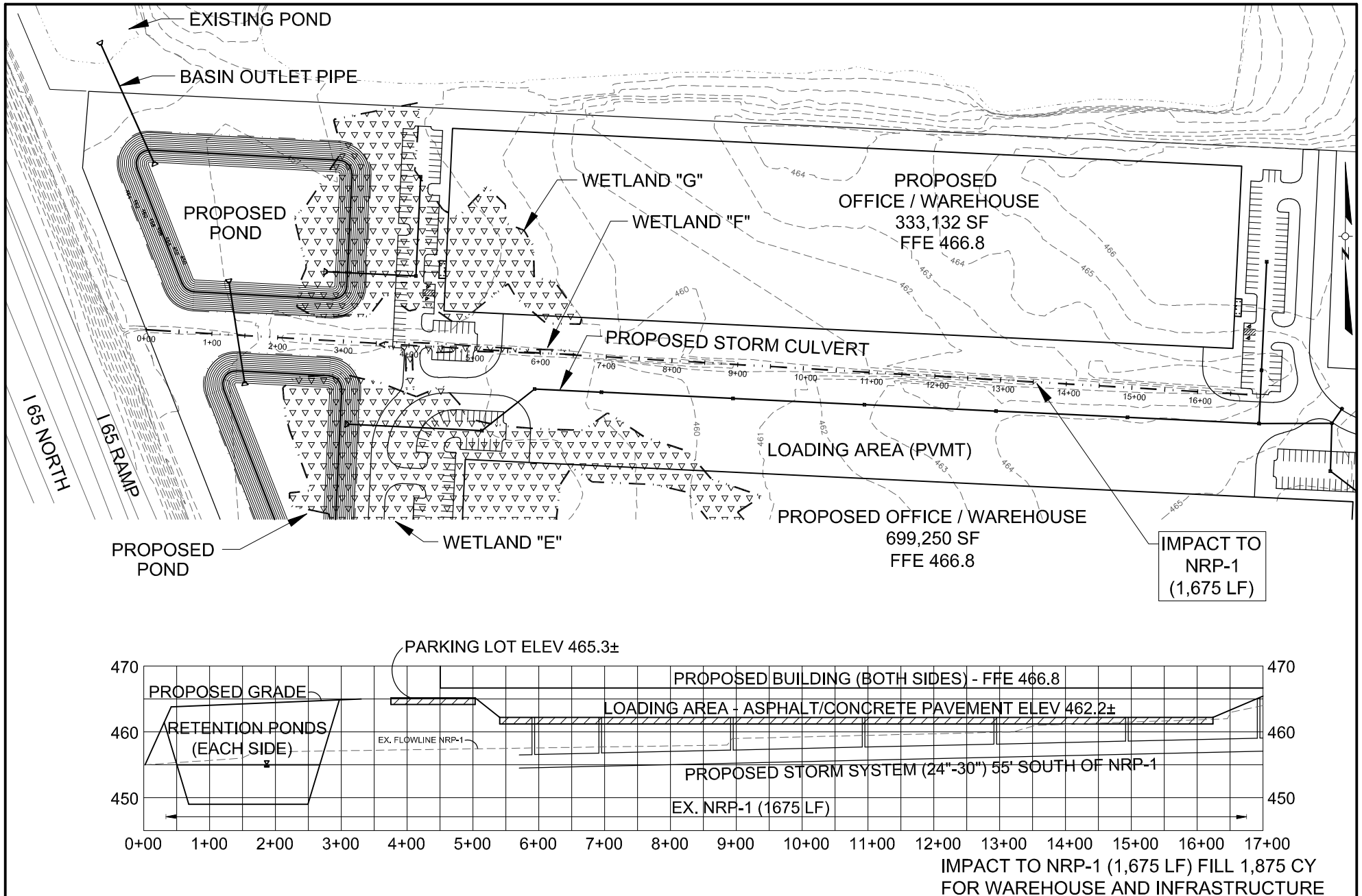
SCALE:
1" = 100'H; 1"=10'V

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LOGISTICS AIRPARK
POST-DEVELOPED WETLAND "G"
CROSS-SECTION VIEW

BLOCK 18: EXHIBIT 7 OF 8



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SCALE:
1" = 200'H; 1"=20'V

DATE:
7/16/18

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WETLANDS AND UNNAMED INTERMITTENT
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LOGISTICS AIRPARK
POST-DEVELOPED NRP-1
PLAN & PROFILE VIEW

BLOCK 18: EXHIBIT 8 OF 8