



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

Joint Public Notice

Public Notice No.
LRL-2014-310-anr

Open Date:
24 Dec 2014

Close Date:
23 Jan 2015

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Andrew Roberts, CELRL-OPF-N, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6681

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Big Shoe Properties, LLC/Olympus Investments, LLC
4763 Rosebud Lane
Newburgh, Indiana 47630

AGENT: Wetland Services, Inc.
3880 Trigg Turner Road
Corydon, Kentucky 42406

LOCATION: Wetland and an unnamed tributary to Bluegrass
Creek at 14701 Highway 57, Evansville, Vanderburgh
County, Indiana 47725

Latitude: 38.11319° N
Longitude: -87.48040° W
7.5 Minute Quad: Daylight, Indiana

PURPOSE: To expand an existing distribution facility.

DESCRIPTION OF WORK: The proposed project would include the permanent impacts resulting from the discharge of approximately 40,000 cubic yards of clean soil, rock and concrete fill material into a total of 6.5 acres of emergent wetland. In addition, the project would include the temporary discharge of fill material to construct a culvert in 50 linear feet (lf) of an unnamed intermittent tributary to Bluegrass Creek. Temporary impacts are also proposed for 1.3 acres of emergent wetland located in an existing pipeline easement for equipment crossing and material stockpiling during project construction. Upon completion of the project, the culvert would be removed and the stream and wetland areas would be restored to original contours. The work would accommodate an approximate 200,000-square foot expansion of the applicant's existing distribution center building, a new parking area, and a new stormwater detention basin.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant currently owns and operates the facility; therefore the relocation of

the existing facility would be cost prohibitive. In addition, one on-site alternative was considered. However, this alternative would be economically and technically unviable.

To compensate for the unavoidable impacts to waters resulting from the project, the applicant's proposed mitigation plan includes the creation of an emergent wetland on a property north of the project site.

There are two proposed wetland mitigation areas, separated by railroad tracks. The first site is located in an agricultural field and would include the creation of 9.8 acres of emergent wetland with a 0.2-acre perimeter upland buffer. The second site is located just north of the first site, also in an agricultural field. The second site would include the construction of 2.9 acres of emergent wetland with a 0.4-acre perimeter upland buffer. These locations were chosen for their adjacency to other existing wetland mitigation sites, soil conditions, and their hydrologic connection with an unnamed tributary to Bluegrass Creek. The sites would be protected in perpetuity by way of a Conservation Easement or Deed Restriction.

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 on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: **IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204.** The applicant is responsible for obtaining the certification from IDEM.

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 current 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 or eligible for the Register which would be directly or indirectly affected by the proposed work. A Phase Ia archaeological survey has been conducted in the project tract and no archaeological sites were identified as a result of this survey. Therefore, the Corps has determined that, in accordance with 36 C.F.R. 800.4(d)(1); 33 C.F.R. 325, Appendix C(7)(b); and the Interim Guidance issued by the U.S. Army Corps of Engineers on April 25, 2005, there would be no effect to historic properties from the proposed activities. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, 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.

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.

Operations Division
Regulatory Branch (North)
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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. Andrew Roberts, CELRL-OPF-N at the address noted above and should refer to the Public Notice Number LRL-2014-310-anr.

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-2014-310-anr.

Example:

Subject: LRL-2014-310-anr

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.