

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

Public Notice

Public Notice No.
LRL-2023-00327

Date:
15 DEC 2023

Closing Date:
16 JAN 2024

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Sarah Atherton, CELRL-RDS, Rm 183
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6711

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

APPLICANT: Poe Shep LLC
111 W Washington Street, Suite 101
Louisville, Kentucky 40202

AGENT: RES Kentucky, LLC
2307 Greene Way, Suite B
Louisville, Kentucky 40220

LOCATION: Wetlands and Open Water Ponds located on a 51-acre site located east of Autumn Leaf Drive in Shepherdsville, Bullitt County, Kentucky.

Latitude: 38.000997°N
Longitude: -85.727660°W
7.5 Minute Quad: Brooks, Kentucky

PURPOSE: To construct a mixed-use housing residential development and associated infrastructure in the vicinity of Shepherdsville, Kentucky.

DESCRIPTION OF WORK: The applicant proposes to construct 470 mixed-used housing units which would include apartments, townhomes, and single-family homes, along with associated roads, parking, utilities, one large pond/basin, and a clubhouse/pool complex. The proposed project would permanently impact 4.649 acres of wetlands and 2.923 acres of open water ponds.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The development plan has minimized impacts to jurisdictional waters by avoiding 1.1 acres of wetland. To compensate for unavoidable impacts to jurisdictional wetlands, the applicant proposes permittee responsible mitigation along Wilson Creek within the Bernheim Arboretum and Research Forest property in Bullitt/Nelson County. No compensatory mitigation is proposed for unavoidable impacts to 2.923 acres of open water ponds due to the proposed construction of one large 9.64-acre pond in the current location of the ponds. It is noted that this proposed mitigation plan is open to

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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. 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 that may occur within the project area. 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 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 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.

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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/Public-Notices/>. All comments regarding this proposal should be addressed to Ms. Sarah Atherton, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2023-00237.

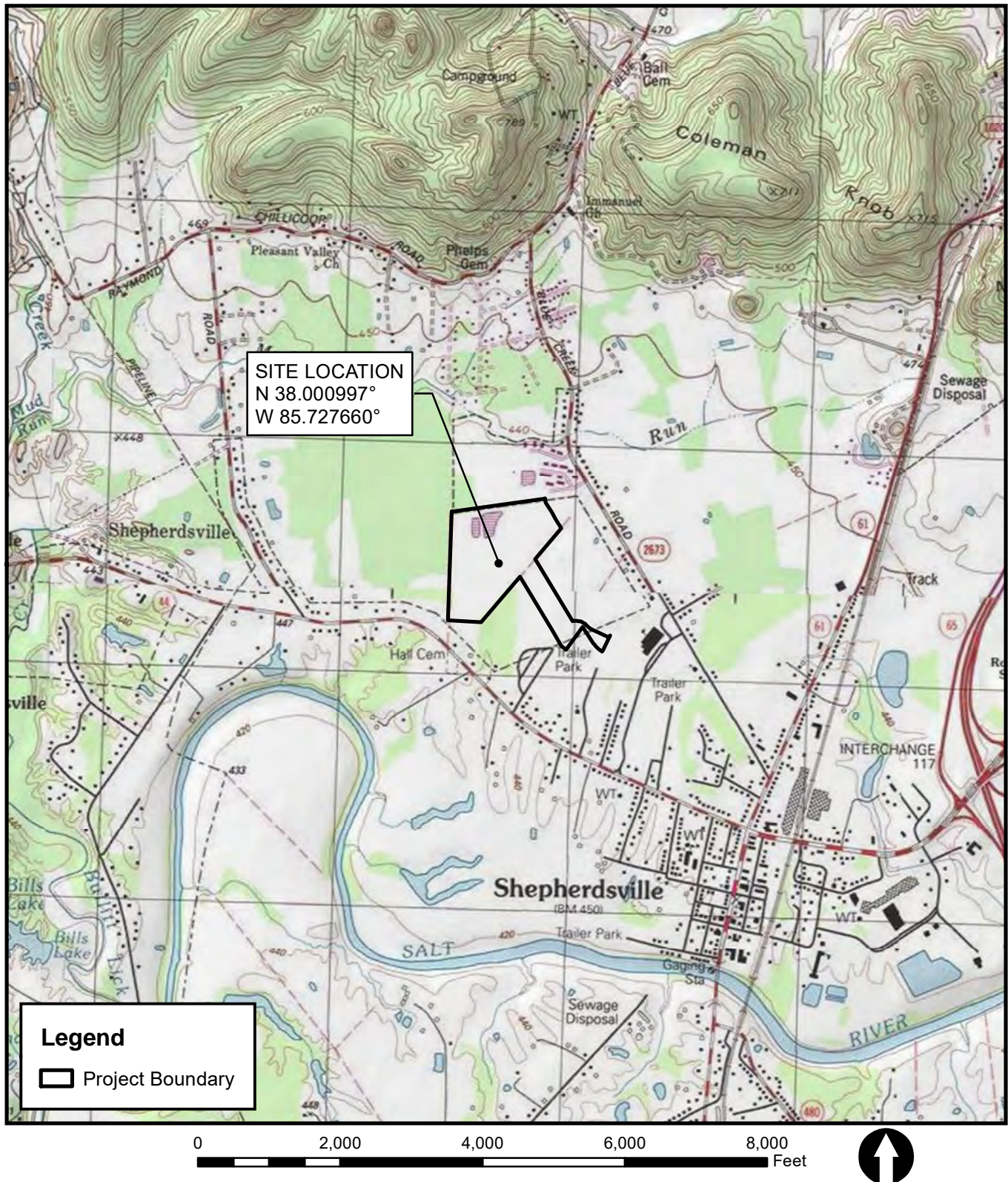
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2023-00327.

Example:

Subject: LRL-2023-00327

- 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 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



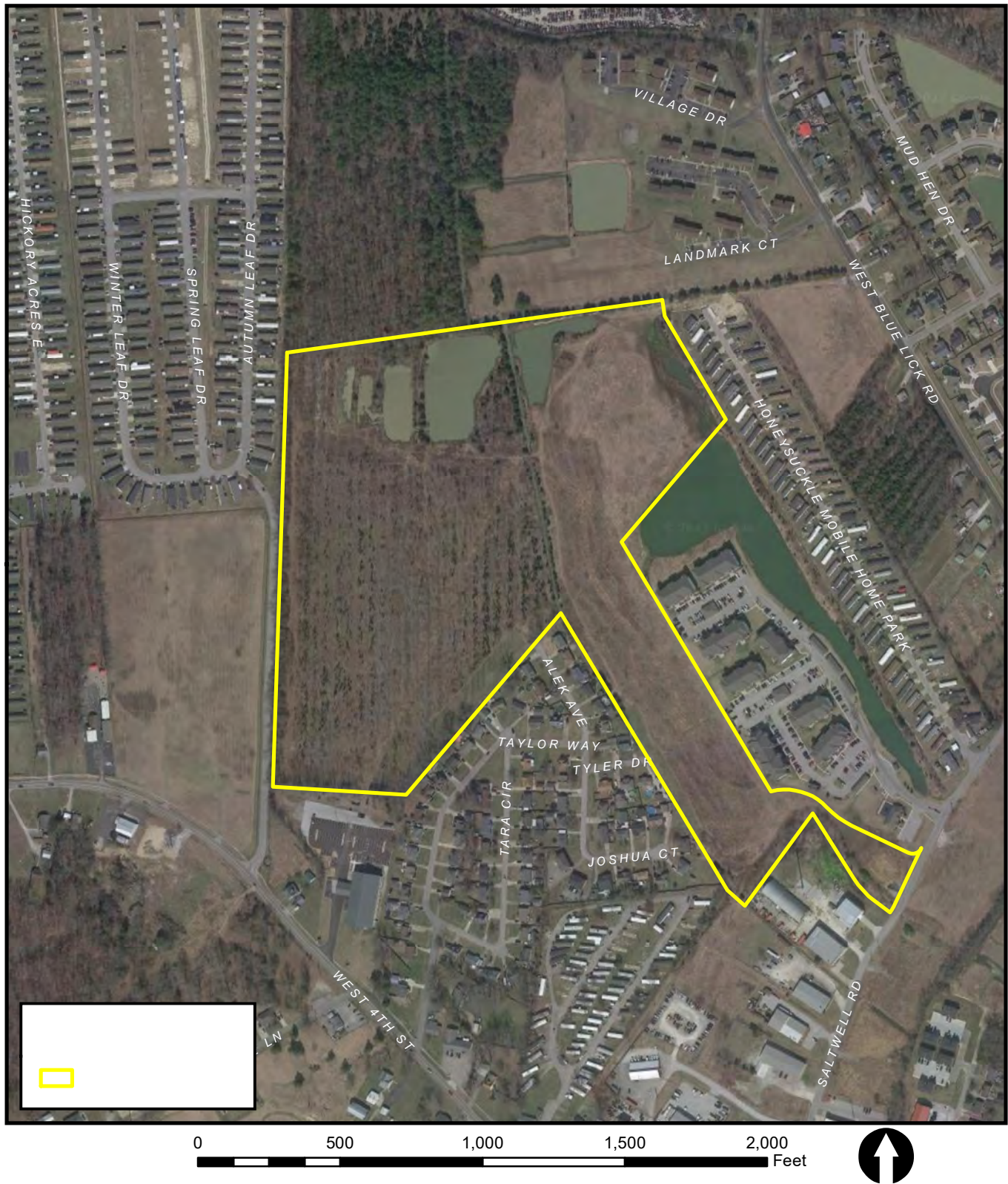
SALTWELL SPRINGS
BULLITT COUNTY, KENTUCKY



SITE LOCATION MAP

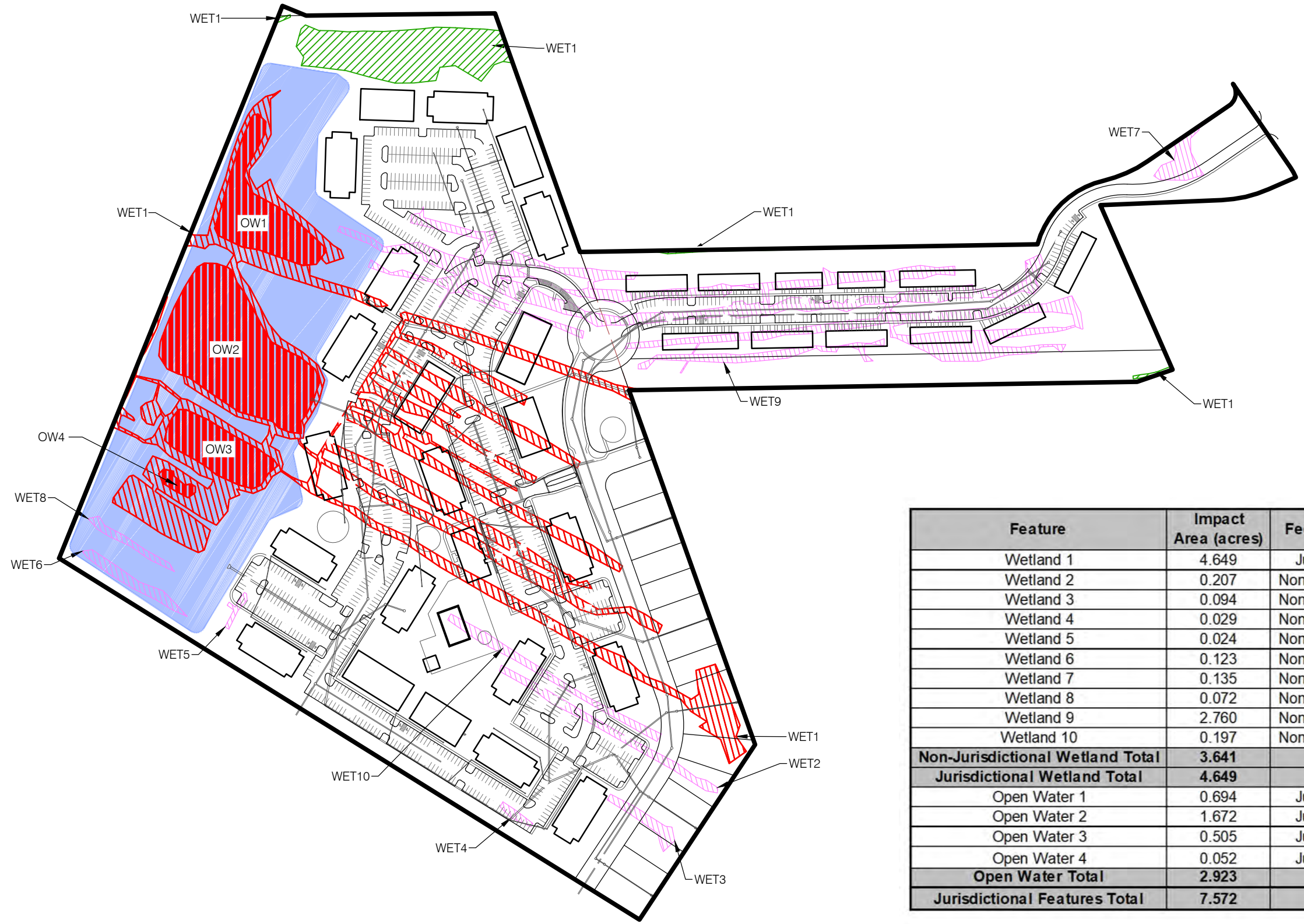
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PN Figure 1 of 5

Source: Aerial - (NAIP-FSA) from kygisserver.ky.gov ArcGIS services (2020);



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LEGEND

- PROJECT BOUNDARY
- DITCH
- PROPOSED OPEN WATER POND IMPACT
- JURISDICTIONAL / EMERGENT WETLAND
- PROPOSED JURISDICTIONAL WETLAND IMPACT
- PROPOSED NON-JURISDICTIONAL WETLAND IMPACT
- PROPOSED LAKE (9.64 ACRES)

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED BY RES WETLAND SCIENTISTS ON AUGUST 16, 17, AND 18, 2022. RES PERFORMED AN UPDATED DELINEATION ON MAY 2, JULY 28, AND OCTOBER 10, 2023. THESE BOUNDARIES WERE FIELD REVIEWED BY THE U.S. ARMY CORPS OF ENGINEERS ON APRIL 26, 2023 AND OCTOBER 25, 2023. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.

250 125 0 250
SCALE IN FEET

Feature	Impact Area (acres)	Federal Status
Wetland 1	4.649	Jurisdictional
Wetland 2	0.207	Non-Jurisdictional
Wetland 3	0.094	Non-Jurisdictional
Wetland 4	0.029	Non-Jurisdictional
Wetland 5	0.024	Non-Jurisdictional
Wetland 6	0.123	Non-Jurisdictional
Wetland 7	0.135	Non-Jurisdictional
Wetland 8	0.072	Non-Jurisdictional
Wetland 9	2.760	Non-Jurisdictional
Wetland 10	0.197	Non-Jurisdictional
Non-Jurisdictional Wetland Total	3.641	
Jurisdictional Wetland Total	4.649	
Open Water 1	0.694	Jurisdictional
Open Water 2	1.672	Jurisdictional
Open Water 3	0.505	Jurisdictional
Open Water 4	0.052	Jurisdictional
Open Water Total	2.923	
Jurisdictional Features Total	7.572	

SOURCE: BASE MAP PROVIDED BY LAND DESIGN & DEVELOPMENT, INC.



SALTWELL SPRINGS
BULLITT COUNTY, KENTUCKY

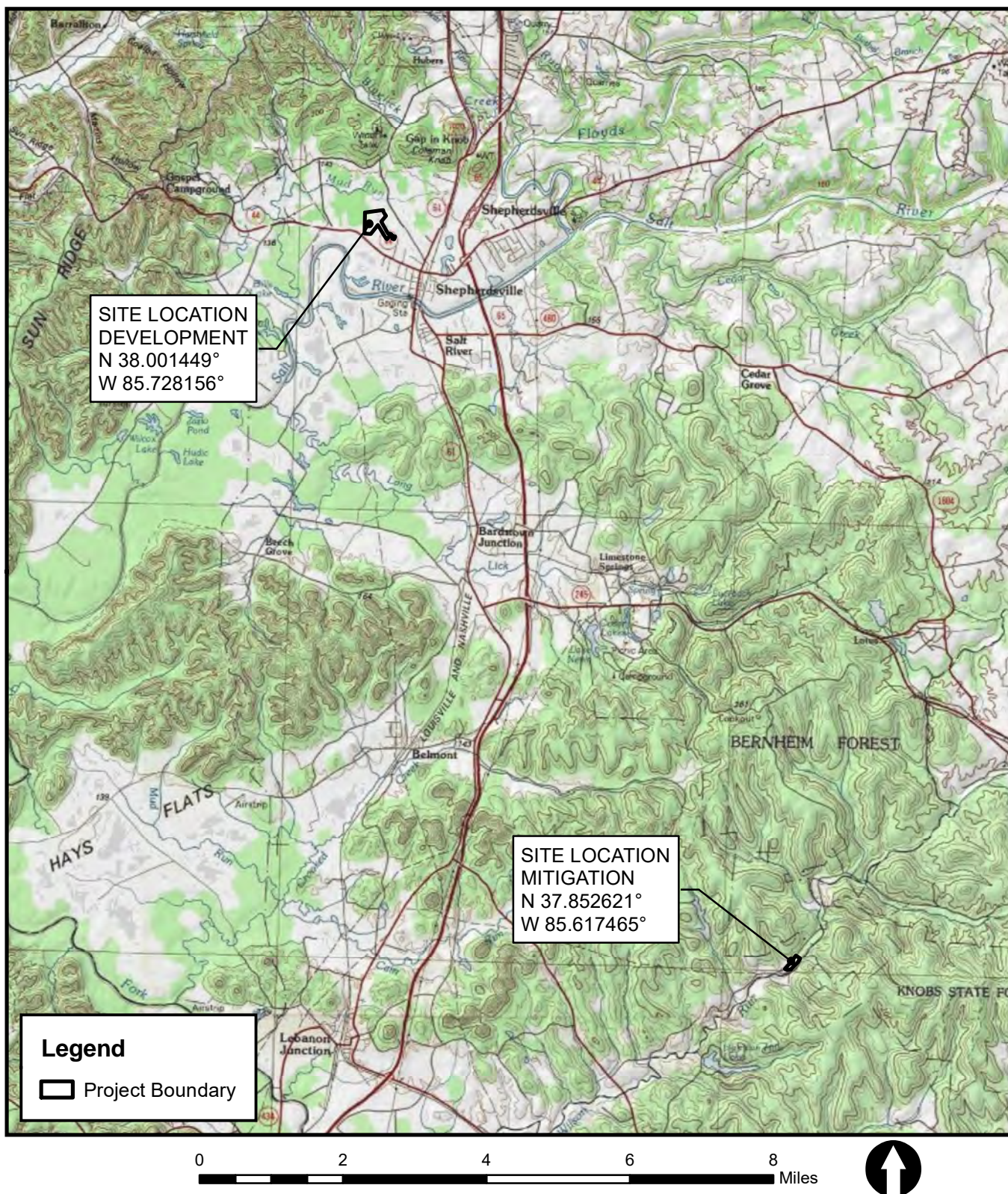


SITE DEVELOPMENT
PLAN
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PN Figure 3 of 5

REVISED DATE: 11-16-23 DRAWN BY: EDB/BJD

FIGURE 4

Source: USA Topo Maps, (2013) National Geographic Society, USGS 7.5-minute Topographic Map - Shepherdsville, Samuels, Lebanon Junction, and Cravens, Kentucky Quadrangles.



SALTWELL SPRINGS
BULLITT COUNTY, KENTUCKY



DEVELOPMENT AND MITIGATION
SITE LOCATION MAP

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DRAWN BY: EDB/BJD

FIGURE 8

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