



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

Joint Public Notice

Public Notice No.
LRL-2010-683-sam

Open Date:
27 Dec 2017

Closing Date:
26 Jan 2018

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Indianapolis Regulatory Office

ATTN: Scott Matthews

8902 Otis Avenue, Suite S106B

Indianapolis, Indiana 46216

Phone: 317-543-9424

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: University Loft
2588 Jannetides Boulevard
Greenfield, IN 46140

AGENT: CBC Engineers
106 Brent Way
Hurricane, WV 25526

LOCATION: Located 1.75 miles east of Mount Comfort Road along Jannetides Boulevard
Latitude: 39.8241
Longitude: -85.8822
7.5 Minute Quad: Cumberland

PURPOSE: Expansion of the East Point Business Park

DESCRIPTION OF WORK: The applicant proposes to expand East Point Business Park. In doing so, they are requesting an after-the-fact permit for the impact of 1.87 acres of emergent, cattail wetland. The 1.87 acres of onsite wetland was previously impacted by a tenant farmer, clearing and grading the wetland and filling with clean soil.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Because this is an after-the-fact permit, the applicant's options for avoidance and minimization are limited by existing conditions. Avoidance and minimization is not possible due to the fact that the entire 1.87 acre emergent wetland was impacted.

MITIGATION: The application is proposing the impacts by undertaking permittee-responsible mitigation that includes the onsite construction of 3.74 acres of emergent wetland. The site would be permanently protected by a 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 serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. 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 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, 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. 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 (USEPA), 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 Scott Matthews, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2010-683-sam.

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-2010-683-sam.

Example:

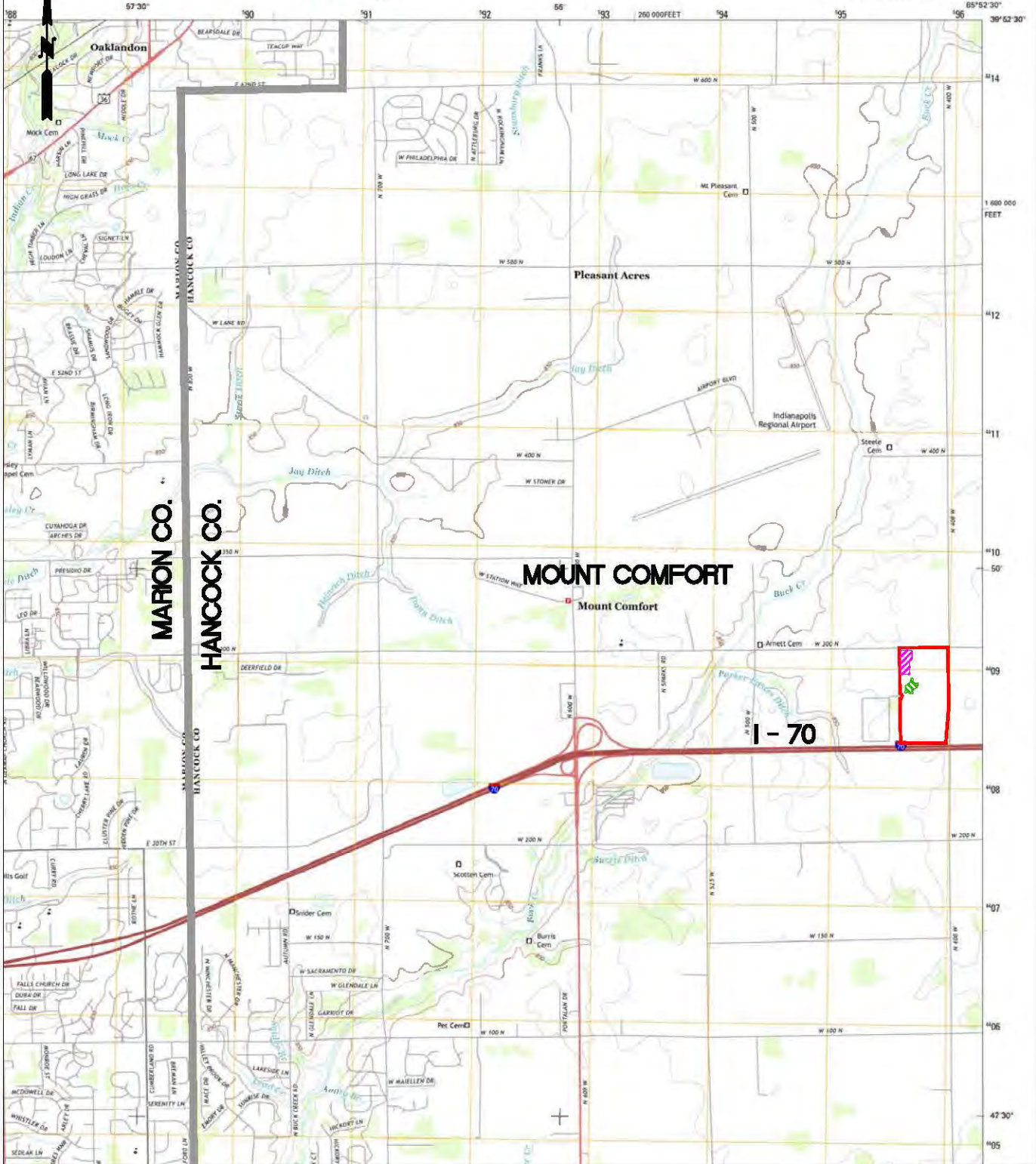
Subject: LRL-2010-683-sam




- 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.

E INTERIOR RVEY



CUMBERLAND QUADRANGLE INDIANA 7.5-MINUTE SERIES



-  PROJECT AREA
-  IMPACTED WETLAND
-  PROPOSED WETLAND

SCALE



PROJECT LOCATION

UNIVERSITY LOFT CO.
EAST POINT BUSINESS PARK DEVELOPMENT

CORPS: LRL-2010-883-LCL

COUNTIES: HANCOCK

LONGITUDE: 86°52'28.2"

QUADRANGLE: CUMBERLAND

LATITUDE: 39°49'24.8"
LOCATION: MT. COMFORT, INDIANA

SCALE: GRAPHIC

SHEET: 1 OF 3



FILE NAME: Public Notice Location Map
PROJECT NO.: CBC-19738

DRAWN BY: MLC
PLOT DATE: 12/04/2017

APPROVED BY: MC
REVISED:



CR. W300 N

PROPOSED MITIGATION WETLAND

AQUA SWRL

AQUA SWRL

IMPACTED WETLAND

PROPOSED RETENTION POND

EXISTING RETENTION POND

University Loft Co.

I-70

SEE SHEET 3 OF 3 FOR MAP LEGEND

SCALE



PROJECT LOCATION
PROPOSED IMPACTS & PROPOSED MITIGATION

UNIVERSITY LOFT CO.
EAST POINT BUSINESS PARK DEVELOPMENT

CORP#: LRL-2010-883-LCL

COUNTIES: HANCOCK

LATITUDE: 39°49'24.8"

LOCATION: MT. COMFORT, INDIANA

LONGITUDE: 86°52'28.2"

QUADRANGLE: CUMBERLAND

SCALE: GRAPHIC

SHEET: 2 OF 3



FILE NAME: Public Notice Location Map

PROJECT NO.: CBC-19738

DRAWN BY: MLC












DATE: 12/18/2017

PLOT DATE: 12/18/2017

APPROVED BY: MC

REVISED:

DRAWING LEGEND

-  **PROJECT AREA**
-  **WETLANDS - POOL AREA (2.87 acres)**
-  **WETLAND - BANK AREA (1.13 acres)**
-  **SUPPLEMENTAL WETLAND (0.40 acres)**
-  **EARTHEN MATERIAL**
-  **IMPACTED WETLAND (1.87 acres)**
-  **PROPOSED BUILDING**
-  **EXISTING BUILDING**
-  **AQUA SWIRL**
-  **STORM SEWER; END SECTION, INLET & M.H.**
-  **ROOF DRAIN**

PROJECT AREA		
MAP LEGEND		
UNIVERSITY LOFT CO.		
EAST POINT BUSINESS PARK DEVELOPMENT		
CORPS: LRL-2010-683-LCL		
COUNTIES: HANCOCK	LONGITUDE: 85°52'58.2"	QUADRANGLE: CUMBERLAND
LATITUDE: 39°49'24.8"	LOCATION: MT. COMFORT, INDIANA	SCALE: GRAPHIC
CONTOUR INT.:		
SHEET: 3 of 3		
		
FILE NAME: Public Notice Location Map	DRAWN BY: MLC	APPROVED BY: MC
PROJECT NO.: CBC-19739	DATE: 12/18/2017	PLOT DATE: 12/18/2017
REVISED:		