



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

Joint Public Notice

Public Notice No.
LRL-2016-00272-kjs

Open Date:
28 July 2017

Close Date:
15 Aug 2017

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Kimberly J. Simpson, CELRL-RDN, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

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: BF Highway 62, LLC
1717 Alliant Avenue, Suite 21
Louisville, Kentucky 40299

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

LOCATION: In streams, wetlands, and a pond that drain to Silver Creek on a 16.8-acre property located at 4917 Highway 62, Jeffersonville, Clark County, Indiana.

Latitude: 38.3495 N
Longitude: -85.7069 W
7.5 Minute Quad: Jeffersonville, Indiana

PURPOSE: To construct a commercial development.

DESCRIPTION OF WORK: The applicant proposes to construct a commercial development consisting of hotels, restaurants, a bank, a convenience store, and associated infrastructure. To facilitate this new development, the applicant proposes to discharge fill material into “waters of the United States (U.S.)” which would impact 627 linear feet (0.02 acre) of ephemeral streams, 0.96 acre of emergent wetlands, 0.77 acre of scrub/shrub wetlands, 0.10 acre of a forested wetland, and 0.81 acre of open water.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant did consider four alternative project sites for the development and determined that the proposed project site best met all the siting requirements including size, availability, availability of all utilities, highway access, zoning, and environmental concerns.

The applicant did consider design alternatives within the project area to reduce impacts; however, due to the central location of “waters of the U.S.” on the project site, avoidance of the waters would

limit the extent of the development and require the elimination of key components of the proposed development making it impracticable and economically unfeasible for meeting the project needs. Therefore, all of the waters onsite would be impacted.

The applicant proposes to provide compensation for unavoidable impacts associated with this project through offsite mitigation. The mitigation site is 5.5 acres in size, referred to as the Fellows Wetland Mitigation Site, and would be a continuation of an existing wetland mitigation site under Corps Permit ID LRL-2009-316-anr. It is located within the Silver Creek watershed, approximately 0.5 mile north of the Carol Road and Robinson Road intersection in New Washington, northeast Clark County, Indiana. The applicant would provide 5.5 acres of forested wetland restoration at the mitigation site which is currently a fallow soybean field. Based on the success of the adjacent wetland mitigation site and the hydric soils of the proposed wetland mitigation area, restoration of wetland conditions should be successful. The site would be monitored for a specified set of success criteria for a 10-year period and would be protected long-term 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 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 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, 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.

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 Ms. Simpson, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2016-00272-kjs.

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

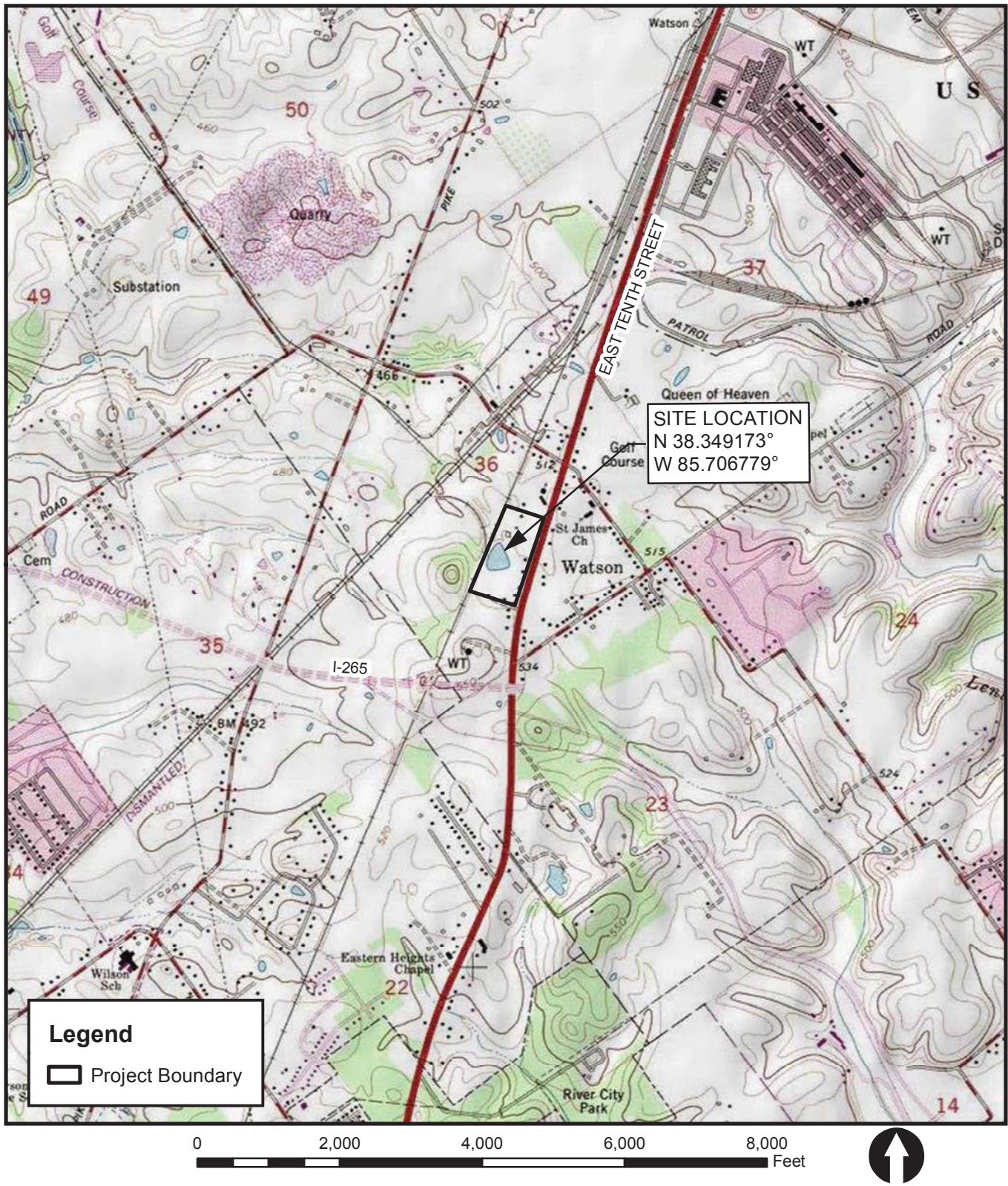
a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2016-00272-kjs.

Example:

Subject: LRL-2016-00272-kjs

- 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.

Source: USA Topo Maps, (2013) National Geographic Society, USGS 7.5-minute Topographic Map - Jeffersonville, Indiana Quadrangle.



P:\2016 Projects\16-100-BF Hwy62\Figures\Public Notice\Project Site Location Map.mxd, 07-12-2017, ebowman

BF HWY 62 DEVELOPMENT
CLARK COUNTY, INDIANA
USACE ID NO.: LRL-2016-00272-kjs

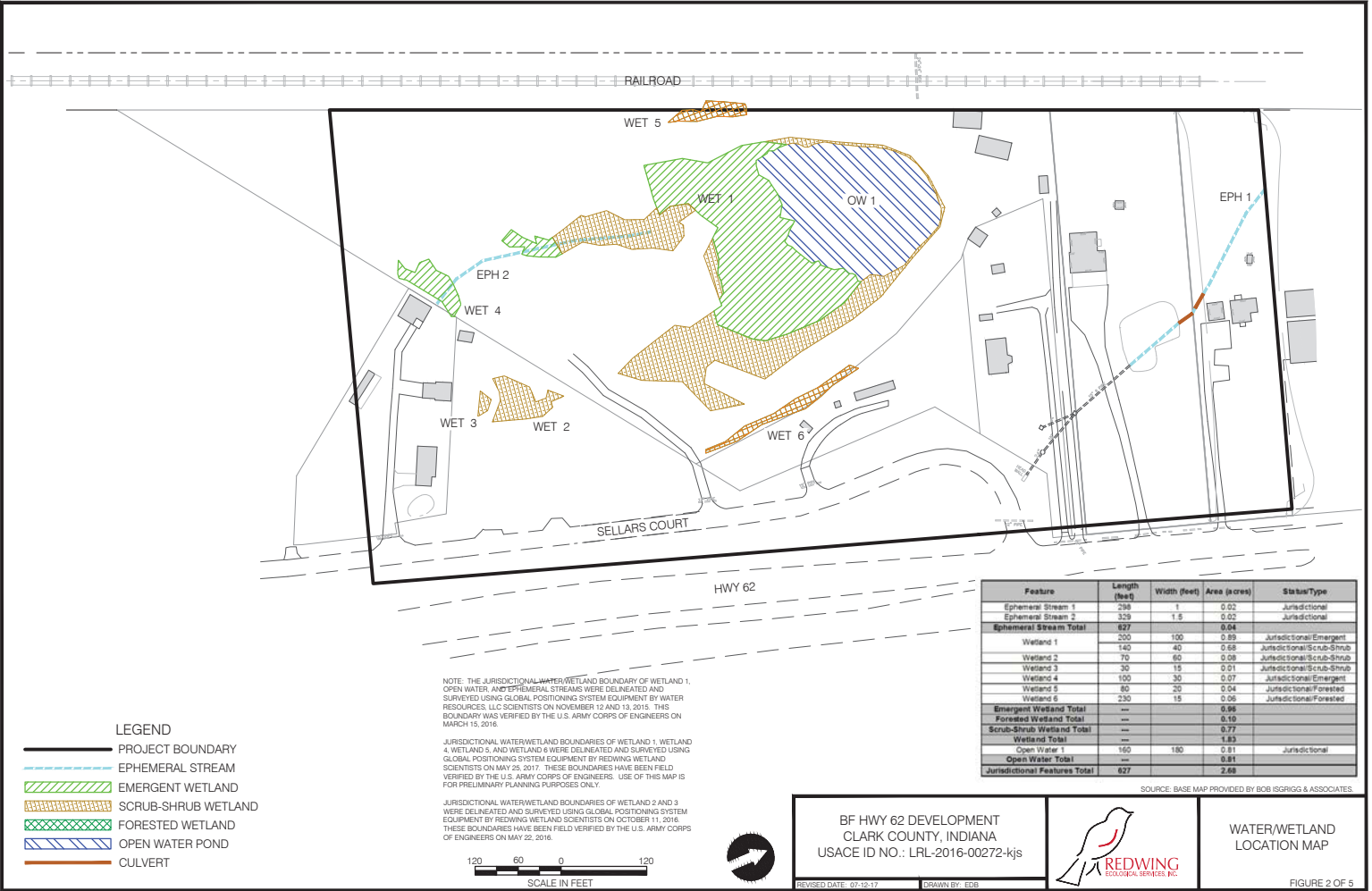


PROJECT SITE LOCATION MAP

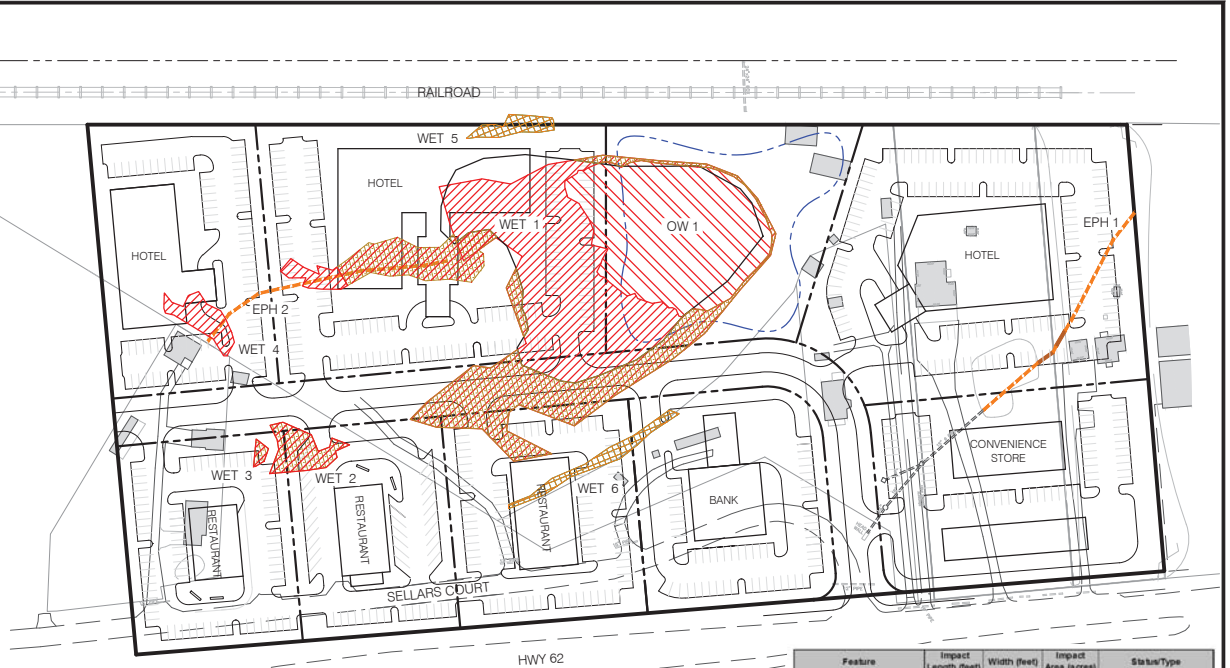
REVISED DATE: 07-12-17

DRAWN BY: BGC/EDB/KJM

FIGURE 1 OF 5



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NOTE: THE JURISDICTIONAL WATER WETLAND BOUNDARY OF WETLAND 1, OPEN WATER, AND EPHEMERAL STREAMS WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY WATER RESOURCES, LLC SCIENTISTS ON NOVEMBER 12 AND 13, 2015. THIS BOUNDARY WAS VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS ON MARCH 15, 2016.

JURISDICTIONAL WATER WETLAND BOUNDARIES OF WETLAND 1, WETLAND 4, WETLAND 5, AND WETLAND 6 WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON MAY 25, 2017. THESE BOUNDARIES HAVE BEEN FIELD VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.

JURISDICTIONAL WATER WETLAND BOUNDARIES OF WETLAND 2 AND 3 WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON OCTOBER 11, 2016. THESE BOUNDARIES HAVE BEEN FIELD VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS ON MAY 22, 2016.

Feature	Impact Length (feet)	Width (feet)	Impact Area (acres)	Status/Type
Ephemeral Stream 1	298	1	0.02	Jurisdictional
Ephemeral Stream 2	329	1.5	0.02	Jurisdictional
Ephemeral Stream Total	627		0.04	
Wetland 1	200	100	0.89	Jurisdictional/Emergent
Wetland 2	140	40	0.68	Jurisdictional/Scrub-Shrub
Wetland 3	70	60	0.08	Jurisdictional/Scrub-Shrub
Wetland 4	100	30	0.07	Jurisdictional/Emergent
Wetland 5	60	20	0.04	Jurisdictional/Forested
Wetland 6	230	15	0.08	Jurisdictional/Forested
Emergent Wetland Total	---		0.96	
Forested Wetland Total	---		0.10	
Scrub-Shrub Wetland Total	---		0.77	
Wetland Total	---		1.83	
Open Water 1	160	180	0.81	Jurisdictional
Open Water Total	---		0.81	
Jurisdictional Features Total	627		2.68	

SOURCE: BASE MAP PROVIDED BY BOB (SRIGG & ASSOCIATES)

LEGEND

- PROJECT BOUNDARY
- PROPOSED EPHEMERAL STREAM IMPACT
- PROPOSED OPEN WATER POND IMPACT
- PROPOSED EMERGENT WETLAND IMPACT
- PROPOSED SCRUB-SHRUB WETLAND IMPACT
- PROPOSED FORESTED WETLAND IMPACT
- CULVERT
- PROPOSED DETENTION LAKE



BF HWY 62 DEVELOPMENT
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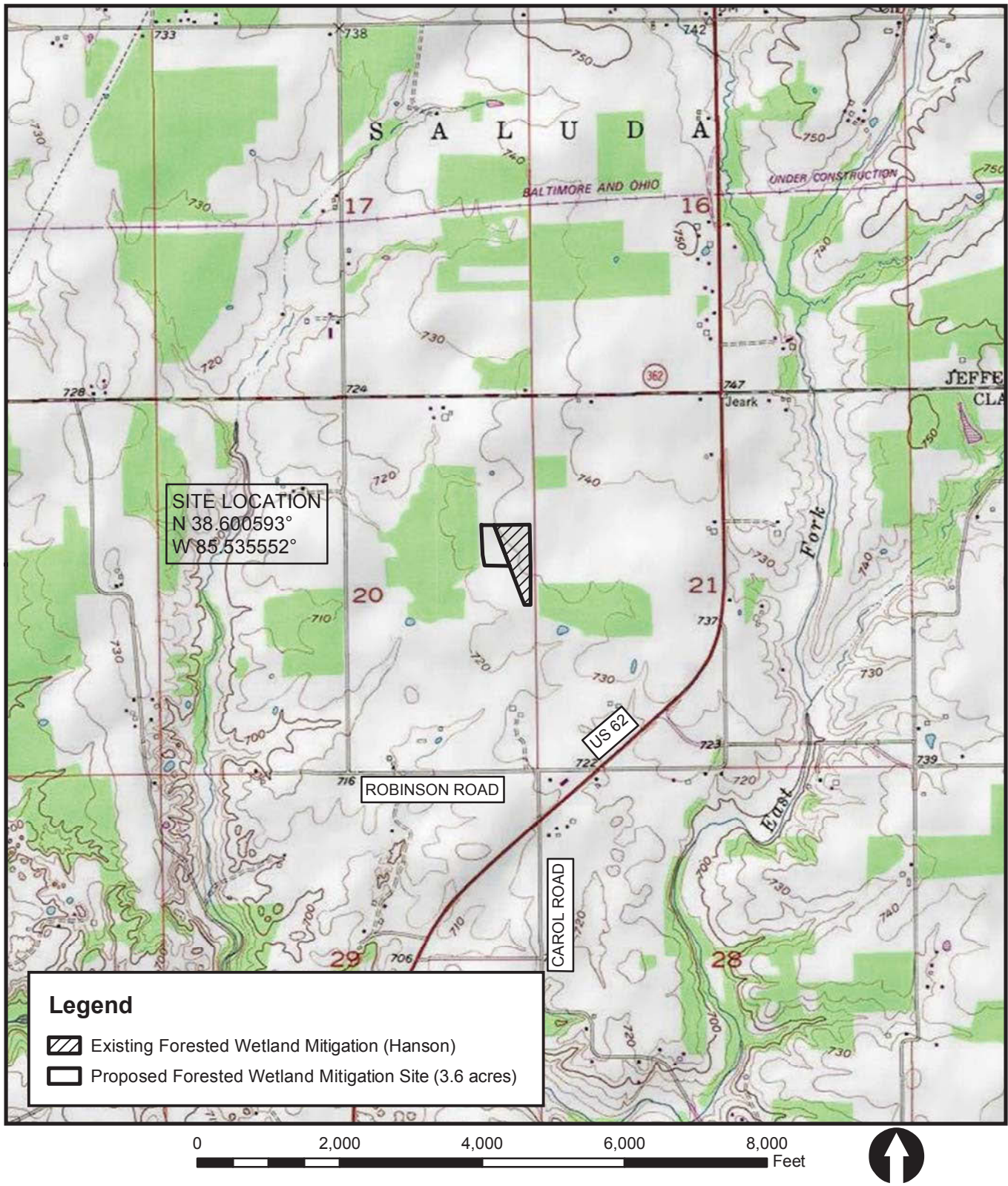


SITE DEVELOPMENT PLAN

REVISED DATE: 07-12-17 DRAWN BY: EDG

FIGURE 3 OF 5

Source: USA Topo Maps, (2013) National Geographic Society, USGS 7.5-minute Topographic Map - New Washington, Indiana Quadrangle.



P:\2016 Projects\16-100-BF Hwy62\Figures\Public Notice\Proposed Forested Wetland Mitigation Site Location Map.mxd, 07-12-2017, ebowman

BF HWY 62 DEVELOPMENT
CLARK COUNTY, INDIANA
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PROPOSED FORESTED
WETLAND MITIGATION
SITE LOCATION MAP

REVISED DATE: 07-12-17




DRAWN BY: EDB

FIGURE 4 OF 5

Source: 2014 NAIP Aerial imagery.from gis.in.gov.



Legend

-  Existing Forested Wetland Mitigation (Hanson)
-  Proposed Forested Wetland Mitigation Site (5.52 acres)
-  Proposed 6 inch Depression (if needed)

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CONCEPTUAL WETLAND
MITIGATION PLAN

REVISED DATE: 07-12-17

DRAWN BY: EDB

FIGURE 5 OF 5