



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>

June 27, 2014

Operations Division
Regulatory Branch (South)
ID No. LRL-2000-935-pjl

Mr. Lee Hasken
Faulkner Real Estate Corporation
9625 Ormsby Station Road
Louisville, Kentucky 40223

Dear Mr. Hasken:

Enclosed is Department of the Army (DA) Permit Number LRL-2000-935, authorizing the plan to fill 10.435 acres of palustrine forested wetlands associated with the construction of a multi-family residential and commercial development along Jefferson Boulevard and McCawley Road in Jefferson County, Kentucky. Also enclosed is ENG Form 4336, "Notice of Authorization," which must be displayed at the construction site throughout construction.

Should any modification of the plans become necessary for any reason, approval from the District Engineer must be received prior to the start of the work. Upon completion of the work authorized under this permit, the enclosed Completion Report form must be completed and returned to this office. Copies of this letter will be sent to your agent and to the appropriate coordinating agencies (see enclosure for addresses).

Sincerely,

A handwritten signature in blue ink, appearing to read "Pam Loeffler".

Pam Loeffler
Regulatory Specialist
Regulatory Branch

Enclosures

ADDRESSES FOR COORDINATING AGENCIES

Mr. Duncan Powell
USEPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Mr. Lee Andrews
U.S. Fish & Wildlife Service
JC Watts Federal Building
330 West Broadway, Room 265
Frankfort, KY 40601

Mr. Peter Goodman, Acting Director
Kentucky Energy & Environment Cabinet
Division of Water
200 Fair Oaks, 4th Floor
Frankfort, KY 40601

Mr. Gregory Johnson, Commissioner
Kentucky Department of Fish and Wildlife Resources
#1 Sportsman's Lane
Frankfort, KY 40601

Mr. Craig Potts
Executive Director
State Historic Preservation Officer
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601

Office of the Director
Louisville Metro Planning and Design
444 South 5th Street, Suite 300
Louisville, KY 40202-4313

Mr. David Johnson
Metropolitan Sewer District
700 West Liberty Street
Louisville, KY 40202

Ms. Cynthia Johnson
Metro Planning and Design Services
Metro Development Center
444 South 5th Street, Suite 300
Louisville, KY 40202-4313

Mr. Ron Thomas
Ms. Laura Darnell
Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, KY 40203

DEPARTMENT OF THE ARMY PERMIT

Permittee: Faulkner Real Estate Corporation

Permit Number: LRL-2000-935

Issuing Office: U.S. Army Engineer District, Louisville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee is authorized to fill 10.435 acres of palustrine forested wetlands located on the property at Jefferson Boulevard and McCawley Road in order to construct a multi-family residential and commercial development and associated roads and infrastructure in accordance with the attached plans. Mitigation shall be a combination of 20 acres of palustrine forested wetlands reestablished onsite and the purchase of 7.5 wetland credits from an approved mitigation bank.

Project Location: Wetlands adjacent to the Slop Ditch, Southern Ditch watershed in the Jefferson Boulevard Development; 1255 McCawley Road, Louisville, Jefferson County, Kentucky

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **June 30, 2024**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall reestablish onsite 20 acres of palustrine forested wetlands to compensate at a 3:1 ratio for impacts to 6.67 acres of palustrine forested wetlands. Mitigation and monitoring shall be conducted in accordance with the Mitigation Plan entitled "Wetland Mitigation Plan, Jefferson Boulevard Mitigation Site, Louisville, Jefferson County, Kentucky" dated July 2013, and revised April 28, 2014, by Redwing Ecological Services, Incorporated. Monitoring shall be conducted for a period of five years following completion of all construction and planting. Reports shall be submitted to the District Engineer annually by December 31 of each monitoring year.

2. The permittee shall also provide a receipt to the District Engineer from an approved wetland mitigation bank for the purchase of 7.5 Adjusted Mitigation Units (AMUs) to compensate at a 2:1 ratio for impacts to 3.77 acres of palustrine forested wetlands. **AMUs must be purchased prior to the discharge of fill material into "waters of the U.S."**
3. The permittee shall install erosion control measures to prevent disturbed sediments from impacting areas downstream. These measures shall be installed in all areas of construction susceptible to erosion and be maintained throughout construction.
4. Upon completion of the work authorized by this permit, the permittee shall revegetate all cleared areas with suitable ground cover-type grasses (such as wheat, rye, etc.).
5. The permittee shall submit for review and approval the deed restriction instrument for the established onsite wetland mitigation area prior to recording with the Jefferson County Clerk.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

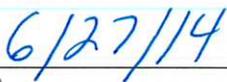
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITEE)



(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

LUKE T. LEONARD
Colonel, Corps of Engineers
Commanding



(DATE)



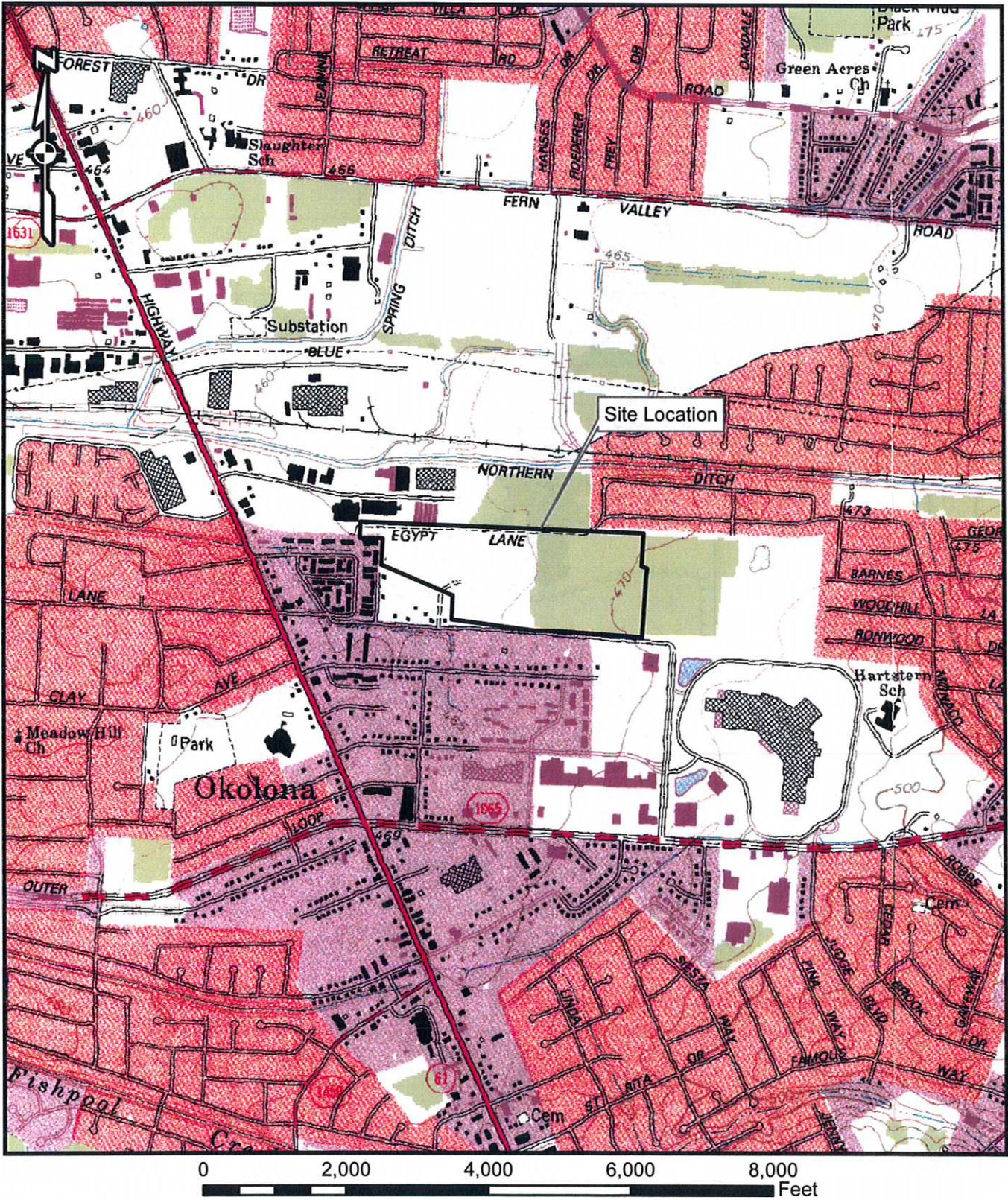
BY: Pam Loeffler
Regulatory Specialist
Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

Source: USGS 7.5-minute topographic quadrangles - Louisville East, KY



JEFFERSON BOULEVARD
MITIGATION SITE
JEFFERSON COUNTY, KENTUCKY

FILE: Redwing/13-028/Figures/SiteLocation

REDWING PROJECT 13-028

REVISED DATE: 8/19/2013 DRAWN BY: LAD/EDB



REDWING
ECOLOGICAL SERVICES, INC.

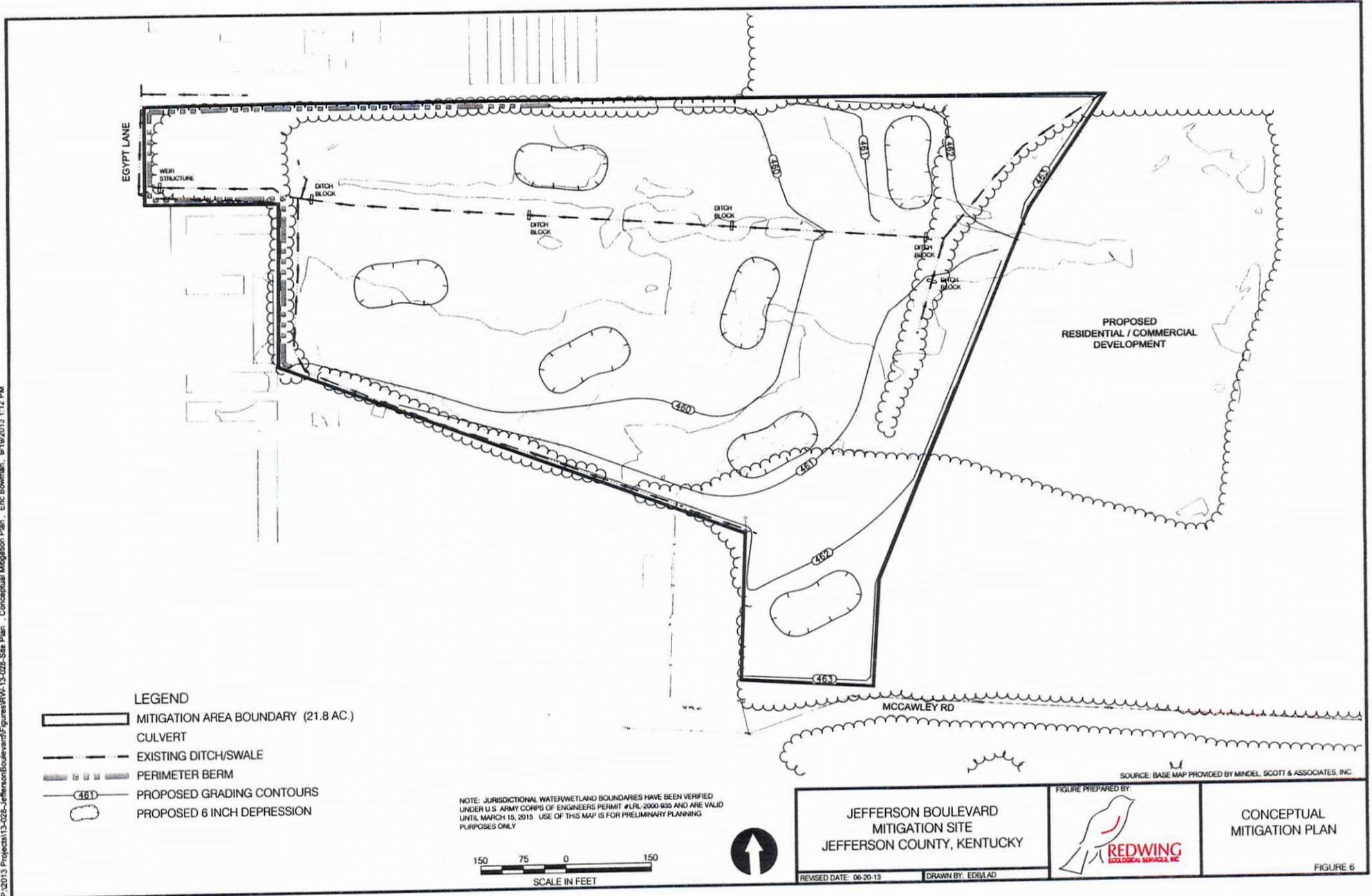
DA Permit LRL-2000-935
SITE LOCATION MAP
Sheet 1 of 4

FIGURE 1

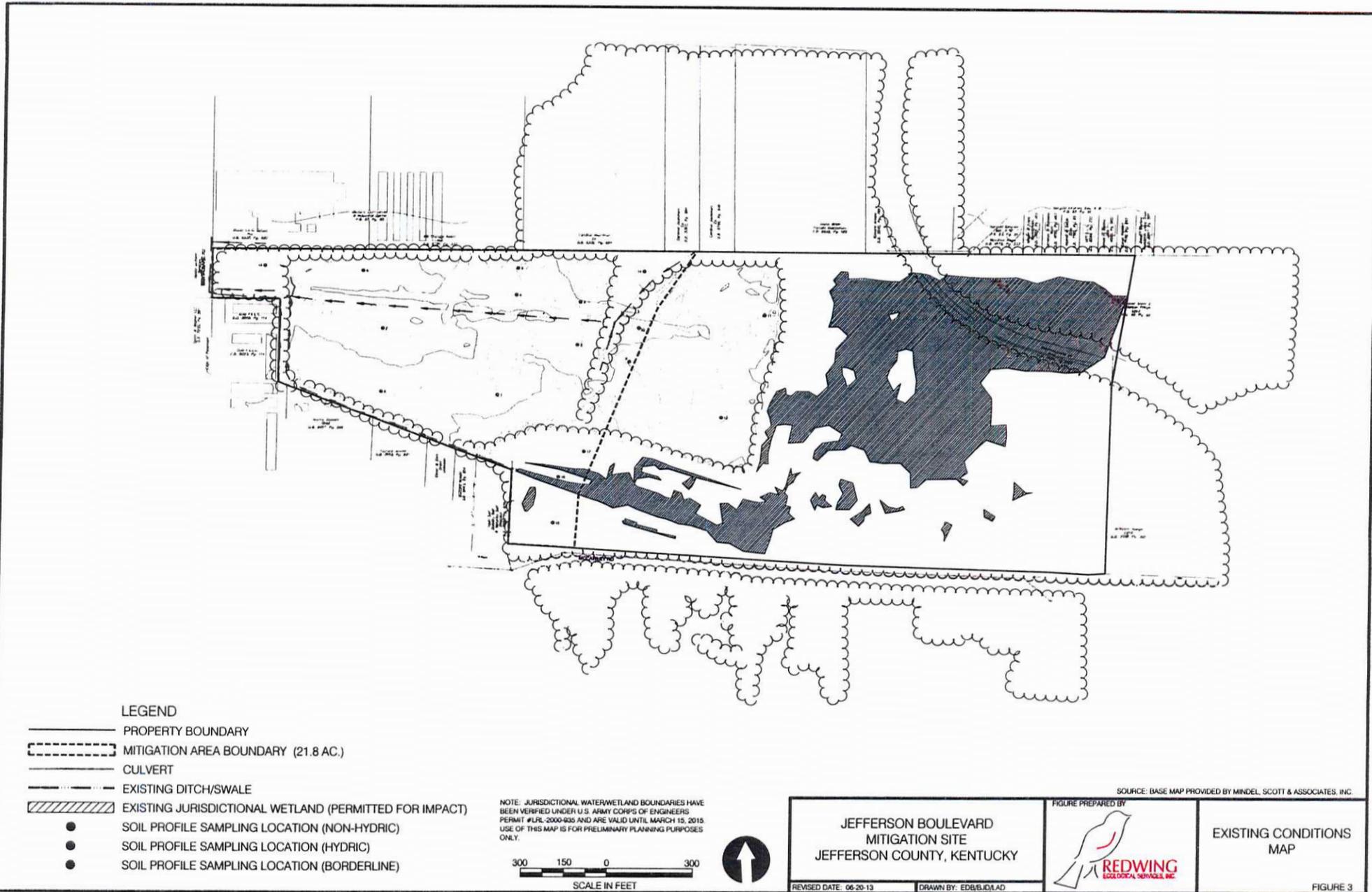
23-DDP-0013

Received Mar. 15, 2025 Planning & Design

P:\2013 Projects\13-026-JeffersonBoulevard\Figures\RW-13-026-Site Plan - Conceptual Mitigation Plan - Eric Bowman - 8/19/2013 1:12 PM



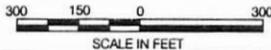
P:\2013 Projects\113-026-JeffersonBoulevard\Figures\RW-13-026-Site Plan - Existing Conditions for USACE - Eric Bowman - 8/23/2013 3:45 PM



LEGEND

- PROPERTY BOUNDARY
- - - MITIGATION AREA BOUNDARY (21.8 AC.)
- - - CULVERT
- - - EXISTING DITCH/SWALE
- ▨ EXISTING JURISDICTIONAL WETLAND (PERMITTED FOR IMPACT)
- SOIL PROFILE SAMPLING LOCATION (NON-HYDRIC)
- SOIL PROFILE SAMPLING LOCATION (HYDRIC)
- SOIL PROFILE SAMPLING LOCATION (BORDERLINE)

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES HAVE BEEN VERIFIED UNDER U.S. ARMY CORPS OF ENGINEERS PERMIT #LRL-2000-935 AND ARE VALID UNTIL MARCH 15, 2015. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



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|---|--|---|------------------------------------|
| <p>JEFFERSON BOULEVARD MITIGATION SITE JEFFERSON COUNTY, KENTUCKY</p> | | <p>FIGURE PREPARED BY</p>  <p>REDWING ECOLOGICAL SERVICES, INC.</p> | <p>EXISTING CONDITIONS MAP</p> |
| <p>REVISED DATE: 06-20-13</p> | | <p>DRAWN BY: EDB/SJL/AD</p> | |
| | | | <p>FIGURE 3</p> |

SOURCE: BASE MAP PROVIDED BY MINDEL, SCOTT & ASSOCIATES, INC.