



February 19, 2016

Ms. Jane Archer
Regulatory Specialist
South Section – Regulatory Branch
U.S. Army Corps of Engineers – Louisville District
600 Dr. Martin Luther King Jr. Place
Louisville, Kentucky 40202

Subject: **Application for Section 404 Individual Permit
Riverport Phase 4 Lot 3-2
Jefferson County, Kentucky
Redwing Project No.: 04-094**

Dear Ms. Archer:

On behalf of the Louisville and Jefferson County Riverport Authority, Redwing Ecological Services, Inc. is pleased to submit this Application for Section 404 Individual Permit to the U.S. Army Corps of Engineers (USACE) for the industrial development of Riverport Phase 4 Lot 3-2 in southern Jefferson County, Kentucky. The purpose of this project is to complete the development of the previously permitted Phase 4 property to meet existing industrial/warehouse distribution needs.

The approximately 25-acre Phase 4 Lot 3-2 contains 8.3 acres of jurisdictional wetlands, 7.8 acres of which were permitted for impact under previous Section 404 permits, the most recent of which expired December 31, 2015. The 0.5 acre of wooded wetlands within the northern tree protection area will be preserved. The 7.8 acres of wetlands within the proposed development footprint have been cleared; however, the USACE has determined that they have not been adequately filled/impacted as required under the previous Section 404 permit. Thus, this application for a new Section 404 permit for filling of the remaining wetlands is being submitted to complete the development of the Phase 4 industrial park. We understand that the USACE considers the previously completed mitigation to be sufficient compensation for the unavoidable wetland impacts.

Please call Ron Thomas at (502)625-3009 with any questions you have during your review.

Sincerely,

Kiersten R. Fuchs
Principal
Senior Wildlife Biologist

Ronald L. Thomas
Principal
Senior Ecologist

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cc: Mr. Larry McFall – Louisville and Jefferson County Riverport Authority
Mr. Wayne Cassady – Louisville and Jefferson County Riverport Authority



**APPLICATION FOR
SECTION 404 INDIVIDUAL PERMIT**

**RIVERPORT PHASE 4 LOT 3-2
JEFFERSON COUNTY, KENTUCKY**

Prepared for:

**U.S. ARMY CORPS OF ENGINEERS
LOUISVILLE DISTRICT**

February 2016

APPLICATION FOR SECTION 404 INDIVIDUAL PERMIT

**RIVERPORT PHASE 4 LOT 3-2
JEFFERSON COUNTY, KENTUCKY**

Submitted to:

**U.S. ARMY CORPS OF ENGINEERS
LOUISVILLE DISTRICT**

Submitted by:

**LOUISVILLE AND JEFFERSON COUNTY RIVERPORT AUTHORITY
Louisville, Kentucky**

Prepared by:

**REDWING ECOLOGICAL SERVICES, INC.
Louisville, Kentucky**



**Kiersten R. Fuchs
Principal
Senior Wildlife Biologist**



**Ronald L. Thomas
Principal
Senior Ecologist**

February 19, 2016

EXECUTIVE SUMMARY

The Louisville and Jefferson County Riverport Authority (Riverport) hereby submits this application for a Section 404 Individual Permit for the proposed industrial development of Phase 4 Lot 3-2 within the Riverport industrial park in southern Jefferson County, Kentucky. The project's purpose is to complete development of the remaining open lot in the existing Phase 4 with an industrial/warehouse facility.

The proposed development of the remaining 25-acre lot will result in unavoidable impacts to 7.8 acres of jurisdictional wetlands in several scattered pockets. Impacts to these wetlands were originally authorized under two previous Section 404 permits, the second of which was extended until December 31, 2015. These wetlands were originally impacted by timbering activities in 2005/2006, but development was delayed due to the expiration of an expansion option held by the adjacent Republic Conduit facility, and the economic slowdown that began in 2007. Clearing of the site in preparation for filling the wetlands and overall development began in December 2015; however, construction of the industrial facility has not been initiated. The U.S. Army Corps of Engineers (USACE) has determined that the completed land clearing does not represent adequate impact/fill of the wetlands as authorized under the previous Section 404 permit, and that a new Section 404 permit is required to complete the project. The USACE has stated that the mitigation completed under the previous Section 404 permit remains sufficient to account for the on-site wetland impacts. Compensation for the unavoidable wetland impacts included wetland restoration/preservation on a 90-acre tract adjacent to Mill Creek and Black Pond Creek, as well as the purchase of 9.3 acres of wetland credit from an approved mitigation bank. This represents a temporal gain of wetland function as the mitigation wetlands will have been in place for over ten years prior to impacts on Lot 3-2. In addition, based on a change in required mitigation ratios from 3:1 to 2:1, this project will result in 7.8 acres of surplus mitigation credits.

Based on the absence of suitable habitat, no federally-listed threatened/endangered species will likely be adversely impacted by the proposed project. No impacts to known archaeological or cultural historic sites listed, or eligible for listing, in the National Register of Historic Places are anticipated.

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3. Cleared site facing northwest, with wetland in foreground and Republic Conduit facility in background. February 11, 2015.
4. Cleared site, facing east along southern property boundary. Logistics Drive embankment is on the right and the Kentucky Trailer facility is in the background. February 11, 2015.
5. The cleared northern portion of the site, facing west. The tree protection/preservation area is on the right and the Republic Conduit facility in the background. February 11, 2015.
6. Fencing and signage has been installed to ensure that no impacts occurred to the tree preservation/protection area during clearing activities. Approximately 0.5 acre of wetland in this area will also be preserved. February 11, 2015.
7. Cleared site, facing southwest from north-central portion of the site. Note Republic Conduit facility in background right. February 11, 2015.
8. Cleared site facing south along eastern boundary. Concrete drainage ditch on left was constructed under the original 404/401 permits. February 11, 2015.
9. Cleared site, facing southwest from northeastern property corner. Note Republic Conduit facility in background and chipped wooded material in foreground. February 11, 2015.
10. Culvert draining site under Logistics Drive in southeastern portion of the site, facing south. Logistics Drive was constructed under the original 404/401 permits. February 11, 2015.

1.0 INTRODUCTION

The Louisville and Jefferson County Riverport Authority (Riverport) respectfully submits this application for an Individual Permit under Section 404 of the Clean Water Act for wetland impacts associated with the proposed development of Phase 4 Lot 3-2 of the Riverport industrial park in southern Jefferson County, Kentucky (Figure 1). The objectives of this report are to:

- describe the proposed project in terms of background, purpose and need, existing site conditions, and proposed development plans
- present an analysis of alternative site locations and alternative site designs
- describe project impacts in terms of jurisdictional waters, threatened/endangered species, and cultural resources
- present the completed compensatory mitigation plan for unavoidable wetland impacts

A completed *Application for Department of the Army Permit* is provided in Appendix A. A list of adjoining property owners is provided in Appendix B.

2.0 PROJECT DESCRIPTION

Riverport is proposing the industrial development of the Phase 4 Lot 3-2, an approximately 25-acre site in southern Jefferson County, Kentucky. The site is located on the north side of Logistics Drive, approximately 0.4 mile west of Greenbelt Highway (Figures 1 and 2). It comprises the remaining undeveloped portion of the Phase 4 industrial park, which was originally authorized by the U.S. Army Corps of Engineers (USACE) on June 29, 2000 (USACE ID No. 200000219) and on May 11, 2005 (USACE ID No. LRL-2004-1649). It was also authorized by the Kentucky Division of Water (KDOW) under Water Quality Certification # 2005-0004-2 which was a renewal of Water Quality Certification # 2002-0052-2. The project is described in more detail below in terms of background, purpose and need, existing site conditions, and proposed development.

2.1 PROJECT BACKGROUND

This Lot 3-2 project is a component of the overall Phase 4 of the Riverport industrial park, which consists of approximately 132 acres of land broadly bound by Logistics Drive on the south, Greenbelt Highway on the east, and Cane Run Road on the west (Figure 2). It comprises the northern portion of the Riverport industrial park which has become a prime industrial location based on its combination of Ohio River access, highway access via Greenbelt Highway to I-264 and I-265, rail access, available infrastructure, and suitable sized lots to meet the needs of today's industrial/warehouse facilities. The major components of the Riverport Phase 4 development are depicted on Figure 2, and include:

- Logistics Drive located along the southern property boundary
- Loctite facility in the eastern portion of the site along Greenbelt Highway
- Kentucky Trailer facility located in the east-central portion of the site
- Republic Conduit facility located in the western third of the property along Cane Run Road
- Lot 3-2 in the central portion of the site was originally set aside for an expansion of the Republic Conduit facility, however that option has expired. Interest in this site waned during the economic downturn beginning in 2007; however, a contract with a potential buyer is currently in negotiation for industrial/warehouse development of the site.

Development of Phase 4 began in 2000 and has proceeded steadily over the years based on customer demand and development needs. A timeline of this development and associated permitting approvals and completed mitigation requirements is summarized in the following table.

Riverport Phase 4 Permitting/Development Timeline

Permit Action	Activity Date	Permit-Related Impacts/Actions
Section 404 Permit Issued (USACE ID No. 200000219)	June 29, 2000	1) Logistics Drive and associated road ditches constructed on southern boundary 2) Loctite Facility constructed in east 3) North/south concrete drainage ditch constructed in central portion of site
Off-Site Mitigation Implemented	2002	Restoration/Preservation of 90-acres along Mill Creek and Black Pond Creek
Section 404 Permit Issued USACE ID No. LRL-2004-1649	May 11, 2005	1) Republic Conduit constructed in west 2) Kentucky Trailer constructed in east-central 3) Lot 3-2 logged in preparation for development
Mitigation Bank Credit Purchase	May 2005	9.3 credits from PTRL Bank
Off-Site Mitigation Completed	2006	5-year monitoring completed
Permit Extended thru 10/21/10	September 26, 2008	on-going pursuit of developers for Lot 3-2
Permit Extended thru 11/1/13	October 21, 2010	on-going pursuit of developers for Lot 3-2
Permit Extended thru 12/31/15	September 26, 2013	1) Potential contracts for development of Lot 3-2 2) Lot 3-2 cleared in preparation for development

Thus, based on recent interest in Lot 3-2 and current contract negotiations, Riverport anticipates that construction on site will begin in the spring of 2016.

2.2 PROJECT PURPOSE AND NEED

The purpose of the proposed project is the development the Phase 4 Lot 3-2 site with an industrial/warehouse facility that is compatible with the adjacent Riverport industrial park complex. This helps meet the existing need for industrial development land (as exhibited by three entities recently pursuing contracts for Lot 3-2), but also meets the needs for Riverport to complete the development of the Phase 4 property, that they have already purchased and invested infrastructure and capital in based on previously issued Section 404 permits.

The development of large, master-planned business parks, such as Riverport, require significant advance planning and coordination. Industrial clients looking to locate their industrial or warehouse facilities are generally on short decision timelines and are often considering a number of potential sites both in Louisville and other cities for any given facility. Thus, it is critical to be able to offer such clients development-ready sites that are not encumbered by months or years of unresolved permitting issues. While industrial park planning is conducted in the long term, specific facility siting decisions are made in the short term, and business park managers must have the flexibility to respond quickly to development opportunities that arise.

One advantage of master-planned developments is that potential water/wetland (and other environmental) impacts can be reviewed by the USACE and other regulatory/resource agencies in a “big picture” manner which prevents the piece-mealing of numerous smaller projects. Riverport has been up-front with the regulatory community concerning the scale and plans for the overall Riverport

industrial park since its inception. However, the advantages of these master plan sites is coupled with the need to allow full build-out to occur over a relatively long time period (as evidenced by the required extensions of past 404 permits).

2.3 EXISTING SITE CONDITIONS

The project site consists of recently cleared woodland and scrub habitat. Based on the delineation completed by Redwing in conjunction with the most recent Section 404 permit issued by the USACE and extended through December 31, 2015, a total of 8.3 acres of wetland are present on the site (Figure 3). Although these wetlands were originally wooded those within the development footprint have been cleared under the previous permit and now represent low quality wetland habitat with no established plant community and limited functional value. No streams, ponds or other jurisdictional waters are present on the site. Past site improvements that were constructed under previous permits include a concrete-lined stormwater ditch along the eastern property boundary, a drainage ditch along the western project boundary, and a ditch located along the toe of slope of the embankment constructed for Logistics Drive along the southern boundary of the site. A culvert under Logistics Drive drains surface water from the site to a network of surface ditches and stormwater management features within the industrial development south of the roadway.

The Phase 4 Lot 3-2 project site is bound by the Logistics Drive on the south, Republic Conduit facility on the west, Kentucky Trailer on the east, and a mobile home park on the north (Figures 2 and 3). It is surrounded by industrial land uses to the east, west and south that are compatible with the proposed development. While residential development is present to the north in the form of a trailer park, it will be buffered from the proposed industrial activity through a permanent tree preservation/protection area and berming along the north property boundary.

2.4 PROPOSED PROJECT DEVELOPMENT

Based on current plans, the proposed project will provide needed storage and distribution services through construction of an industrial/warehouse distribution facility. Components of the proposed development, as depicted on Figure 4, include:

- an approximately 500,000 square foot industrial/warehouse distribution facility
- access lanes to accommodate auto and truck traffic
- parking for autos and trailer storage
- screening berms along the southern and northern boundaries
- tree preservation/protection buffer along northern boundary

3.0 PROJECT ALTERNATIVES

Based on Section 404(b)(1) guidelines, development of the Lot 3-2 site represents the least environmentally damaging practicable alternative for meeting the need for industrial/warehouse facilities in Jefferson County, and more specifically to complete the industrial development of the Phase 4 property. This analysis included evaluations of both alternative site locations and of selected design alternatives, as presented below.

3.1 ALTERNATIVE SITE LOCATIONS

The Riverport industrial park has been providing development opportunities for Louisville/Jefferson County since its creation in 1965. A development master plan was developed in 1975 for approximately 1,600 acres along the Ohio River and Riverport was designated as a Foreign Trade Zone in 1977. Riverport serves industrial clients that have a need for: sufficiently large development tracts (generally 20 to 50 acres) to allow for large industrial/warehouse facility construction, site-specific infrastructure, and expansion; existing zoning and land-use compatibility; ready access to rail and highway networks; and availability of existing utilities. Phase 4 Lot 3-2 provides all of these requirements. Riverport does not own other land that is immediately available for development to meet the needs of the potential uses currently pursuing the site. Other potential Riverport tracts considered in this analysis are summarized below.

Riverport Phases 1, 2 and 3 extend south from the Phase 4 site for approximately three miles generally along the Greenbelt Highway and Cane Run Road corridors. These phases have been built-out and no sufficiently-sized tracts (25 acres or greater) exist to meet the needs of the potential users currently pursuing the Lot 3-2 site.

The Ohio Packaging property is located immediately west of Phase 4 across Cane Run Road. The remaining portions of this site are too small to accommodate the required development with only tracts of twelve and seven acres remaining.

The Loop Track property is located approximately 1.5 miles south of the site, between Cane Run Road and the Ohio River. While this site is potentially of adequate size, the northern portion of it is already being developed by an agricultural manufacturing company, and the site has been delineated as containing approximately five acres of wetland and 3,000 feet of intermittent stream. A majority of the on-site wetlands are wooded and would be considered of significantly higher value than the cleared highly disturbed wetlands on the proposed site.

Riverport Phase 5 located approximately nine miles south on the east side of Dixie Highway. This site has been approved for development via Section 404 and 401 permits issued by the USACE and KDOW; however, it is not prepared for immediate development as required access roads, utilities and other infrastructure have not been constructed and no site clearing or other preparation work has yet begun. This site also involved significant wetland, stream and endangered bat habitat impacts.

Thus, Phase 4 Lot 3-2 represents the only property currently owned by Riverport that is available and meets all the requirements to allow immediate construction of a large industrial/warehouse distribution facility and necessary infrastructure.

3.2 DESIGN ALTERNATIVES

Based on the minimum facility size required for the proposed development, design alternatives are limited to build and no-build options. The no-build option is not feasible as it does not allow Riverport to utilize this development site, which has been identified by past master plans, and was purchased and marketed based on past Section 404 permit authorizations. It does not meet the existing need for industrial/warehouse facilities. The proposed development cannot be reduced further in size based on identified needs of the likely end users. The scattered distribution of wetlands across the site makes it infeasible to avoid jurisdictional impacts. Warehouse and industrial developments (including required access, parking/storage, and stormwater management facilities) require large contiguous tracts (often between 25 and 50 acres), and it is not possible to design around the on-site pockets of wetland.

3.3 CONCLUSION

In conclusion, the requirements for industrial/warehouse development limits available sites and design options, particularly in relation to water/wetland impact avoidance. Thus, as no other feasible alternative sites exist, and the entire property must be utilized, the Phase 4 Lot 3-2 site represents the least environmentally damaging practicable alternative for meeting the immediate need for industrial/warehouse facilities in Jefferson County, and more specifically to complete the industrial development of the Phase 4 property. .

4.0 POTENTIAL PROJECT IMPACTS

Potential project impacts were evaluated in terms of on-site jurisdictional waters/wetlands, federally-listed threatened/endangered species, and significant of cultural resources.

4.1 WATERS/WETLANDS

The proposed project will result in impacts to a total of 7.8 acres of the total 8.3 acres of jurisdictional wetlands present on the site (Figure 4). No streams, open water ponds, or other jurisdictional waters of the U.S. are present on the site. Due to recent clearing activities and past construction of drainage ditches and culverts (conducted under the previous Section 404 Permit LRL-2004-1649), the wetlands are highly disturbed and considered to be very low quality. Due to their size, the on-site wetlands provide limited floodflow attenuation and water quality functions; however, due to their disturbed condition and impacted plant community, they offer negligible wildlife habitat, aquatic habitat, or outdoor recreation/education functions.

4.2 THREATENED / ENDANGERED SPECIES

A summary of federally-listed threatened or endangered species potentially occurring in Jefferson County, Kentucky, and their status related to the proposed project is presented in the following table and summarized below.

Species	Common Name	Status	Habitat Present?	Species Impacted?
Mammals				
<i>Myotis grisescens</i>	gray bat	E	No	No
<i>Myotis septentrionalis</i>	northern long-eared bat	T	No	No
<i>Myotis sodalis</i>	Indiana bat	E	No	No
Mussels				
<i>Cumberlandia monodonta</i>	spectaclecase	E	No	No
<i>Cyprogenia stegaria</i>	fanshell	E	No	No
<i>Epioblasma triquetra</i>	snuffbox	E	No	No
<i>Lampsilis abrupta</i>	pink mucket	E	No	No
<i>Obovaria retusa</i>	ring pink	E	No	No
<i>Plethobasus cooperianus</i>	orangefoot pimpleback	E	No	No
<i>Plethobasus cyphus</i>	sheepnose	E	No	No
<i>Pleurobema plenum</i>	rough pigtoe	E	No	No
<i>Pleurobema clava</i>	clubshell	E	No	No
<i>Potamilus capax</i>	fat pocketbook	E	No	No
<i>Quadrula cylindrica cylindrica</i>	rabbitsfoot	T	No	No
Plants				
<i>Leavenworthia exigua</i> var. <i>laciniata</i>	Kentucky glade cress	T	No	No
<i>Trifolium stoloniferum</i>	running buffalo clover	E	No	No
Birds				
<i>Sterna antillarum athalassos</i>	interior least tern	E	No	No
Insects				
<i>Nicrophorus americanus</i>	American burying beetle	E	Yes	No*

E = Federally-Endangered Species; T = Federally-Threatened Species; * considered extirpated

Each of the species found in the preceding table is discussed in detail below.

Indiana and Northern Long-Eared Bat: The federally-endangered Indiana bat and federally – threatened northern long-eared bat both require distinct habitat types during the summer and winter months. Summer roosting habitat includes live or dead trees with exfoliating bark, cracks, crevices, or cavities located either on upland slopes, bottomlands, or along streams. Winter hibernacula habitat consists of limestone caves, rock shelters, and abandoned mine portals.

As no caves, rock shelters, or mine portals are present, no winter habitat for these species is present on site. As all wooded habitat in the development footprint has been recently cleared, summer habitat for these bat species is limited to the approximately one-acre tree preservation/protection area along the northern boundary (Figure 4). Based on information/mapping published by the U.S. Fish and Wildlife Service (USFWS), the project site is not located within known summer maternity or winter swarming habitat for either species. Additionally, Riverport has conducted all tree removal on site during unoccupied period between October 15 and March 31 to avoid impacts to either bat species. Thus, the proposed project is not likely to have an adverse impact on either the Indiana or northern long-eared bat.

Gray Bat: The preferred summer and winter roosting habitat for this federally-endangered species includes limestone caves. Summer foraging habitat includes forested areas along banks of streams and lakes near cave entrances. No caves, rock shelters, or mine portals are present within the project area. Due to the lack of wooded habitat and absence of streams, no summer foraging habitat is present on or near the site. Thus, the proposed project is unlikely to adversely affect this species.

Mussels: The 11 federally endangered/threatened mussel species listed for Jefferson County are found in small to large rivers in shallow or deep water. Coarse sediments, such as sand and gravel, are often preferred, though some of the species tolerate muddy sediments. Due to the absence of on-site streams, no habitat for these mussel species is present. An Erosion Prevention and Sediment Control plan will be implemented to ensure sediment is not transferred off site. Thus, the proposed project is unlikely to adversely affect these species.

Running-Buffer Clover: The preferred habitat for this federally-endangered species includes mesic woodlands with partial to filtered sunlight that have periodic occurrences of moderate disturbance. This plant is often found within limestone derived soils. Based on the absence of suitable habitat on site, the project is not likely to adversely affect this federally-endangered species.

Kentucky Glade Cress: This federally-threatened species occurs in habitats with shallow soils interspersed with flat-bedded, Silurian dolomite and dolomitic limestones. Typical habitats include cedar glades, overgrazed pastures, eroded shallow soil areas with exposed bedrock, and areas where the soil has been scraped off the underlying bedrock. Open glade habitats that are maintained in an early stage of plant succession appear to provide the most suitable habitat conditions. No suitable habitat for Kentucky glade cress was observed on the project site during the assessment. Based on the lack of suitable habitat for Kentucky glade cress on the project site, the project is not likely to adversely affect this species.

Interior Least Tern: The preferred summer habitat for this federally-endangered bird is sandbars within large river systems that are free of vegetation. It spends its winter along the Gulf Coast (per Kentucky Department of Fish and Wildlife Resources', *Kentucky's Threatened and Endangered Species*, 1998). No preferred habitat for this species occurs on site, thus it is not likely that the project will adversely affect this species.

American Burying-Beetle: Potential habitat for this species includes woodlands and fields in areas with enough topsoil to allow the beetle to bury carrion (per Kentucky Department of Fish and Wildlife Resources', *Kentucky's Threatened and Endangered Species*, 1998). Due to the disturbed nature of the site, suitable habitat for this species is not present. In addition, this species is considered extirpated and since no known reintroduction programs for the species exist in Jefferson County, the species is not likely to occur on the project site. Therefore, the proposed project is not likely to adversely affect this species.

4.3 ARCHAEOLOGICAL RESOURCES

Potential impacts to cultural resources was addressed by the USACE during the previous Section 404 permit, as stated in the Public Notice for project LRL-200401649, dated January 14, 1005:

"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."

Based on this previous analysis, the lack of any structures on the property, and the general low-lying and disturbed nature of the site, it appears unlikely that the proposed project will have an adverse impact on any sites listed, or eligible for listing, on the National Register of Historic Places.

5.0 MITIGATION PLAN

Mitigation for unavoidable wetland impacts associated with the overall Phase 4 project (as required by previous Section 404 and 401 authorizations) has been successfully completed, and the USACE has indicated that the mitigation remains adequate for this project. Mitigation was provided at a 3:1 ratio and consisted of two components: permittee-responsible mitigation and mitigation bank credit purchase.

Permittee Responsible Mitigation: The original 13.6 acres of wetland impacts under USACE ID No.: 200000219 were compensated for at a 90-acre site located along the floodplain of Mill Creek and Black Pond Creek. It included 36 acres of wetland restoration, eight acres of wetland preservation, one acre of shallow pond establishment, and 45 acres of riparian buffer preservation. The approved Mitigation Plan was implemented at this site in 2002 and the five years of required monitoring was successfully completed in 2006.

Mitigation Bank: An additional 3.1 acres of wetland impacts that were identified under USACE ID No.: LRL-2004-1649 were compensated for through purchase of 9.3 credits at the PTRL Wetland Mitigation Bank in May 2005.

Based on current USACE Louisville District policy of requiring a 2:1 compensation ratio for wetland impacts outside of the Pond Creek Watershed (compared to the 3:1 ratio required under the original permit), it appears that a surplus of wetland mitigation credits have been applied to the Phase 4 Lot 3-2 project, as summarized below.

Phase 4, Lot 3-2 Mitigation Summary

	Impacts	Mitigation Ratio	Mitigation Required
Original Mitigation	7.8 acres	3:1	23.4 acres
Current Mitigation	7.8 acres	2:1	15.6 acres
Final			7.8 acres surplus

In addition to this surplus, the mitigation for the Lot 3-2 represents entirely up-front mitigation with a temporal gain of wetland habitat functions. In fact the mitigation for these impacts will have been in place and fully functioning for over ten years by the time impacts occur. Thus, Riverport requests that this surplus 7.8 acres of wetland mitigation credit be available as compensation for other wetland impacts within the area.

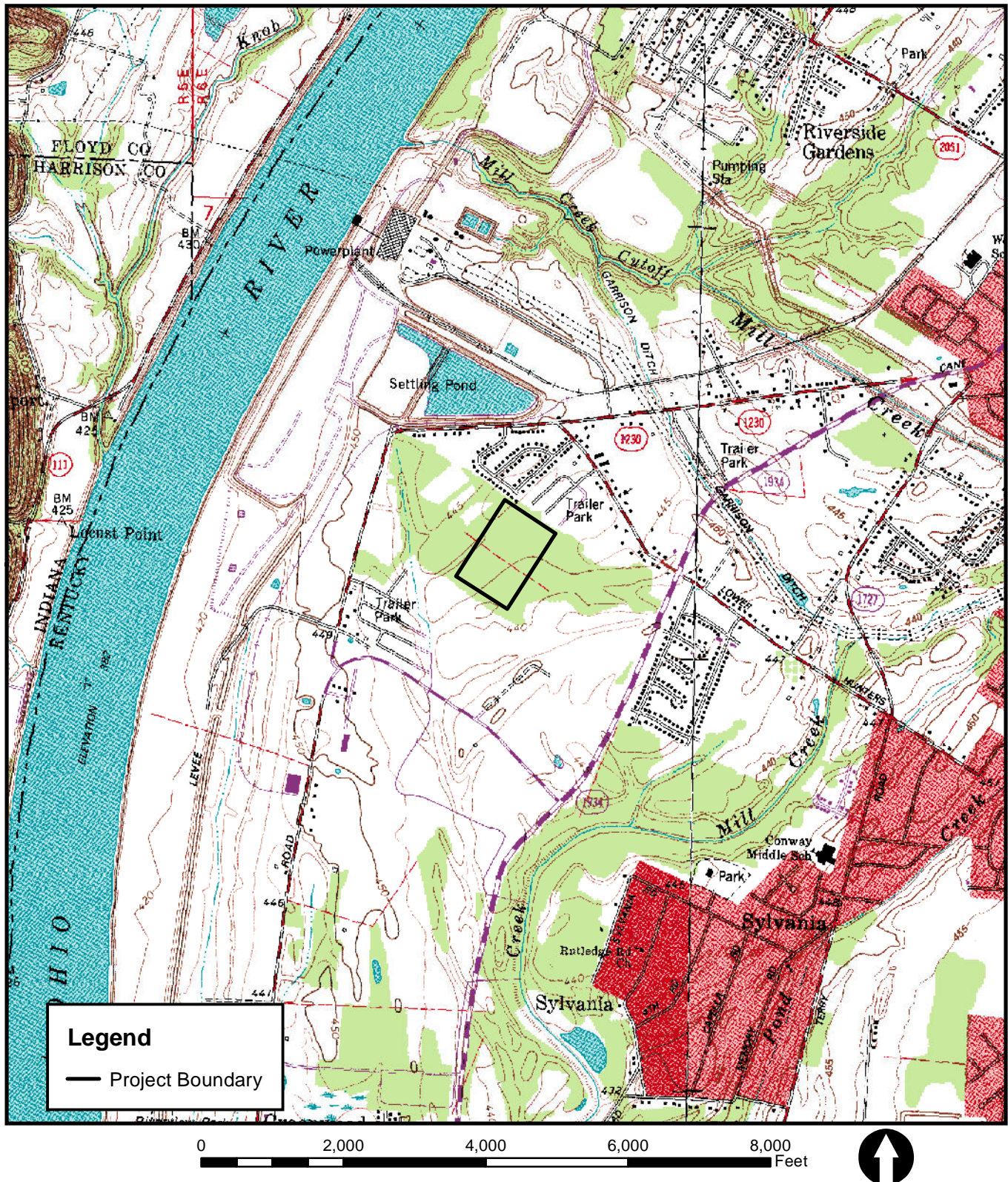
6.0 CONCLUSION

This application for a Section 404 Individual Permit has been prepared on behalf of the Louisville and Jefferson County Riverport Authority for the proposed development of the Riverport Phase 4 Lot 3-2, in southern Jefferson County, Kentucky. Based on an analysis of potential alternative sites and alternative site designs, the proposed project represents the least environmentally damaging practicable alternative for meeting the industrial/warehousing needs of the community, and allowing Riverport to complete development of the previously permitted Phase 4 industrial park.

The project will not have an adverse impact on federally-listed threatened/endangered species or significant cultural resources. The proposed development of the 25-acre Lot 3-2 site will result in unavoidable impacts to 7.8 acres of jurisdictional wetlands. Compensation for these unavoidable wetland impacts has been provided between 2002 and 2006 at a 3:1 ratio through the combination of a 90-acre permittee-responsible site on Mill and Black Pond Creeks and the purchase of 9.3 credits from an approved wetland mitigation bank. Thus, the mitigation for Lot 3-2 wetland impacts represents a temporal gain of wetland functions and results in a surplus of 7.8 acres of mitigation.

FIGURES

Source: USGS 7.5-minute Topographic Map - Lanesville and Louisville West, Kentucky Quadrangles.



RIVERPORT PHASE 4, LOT 3-2
JEFFERSON COUNTY, KENTUCKY



SITE LOCATION MAP

REVISED DATE: 02-16-16

DRAWN BY: EDB

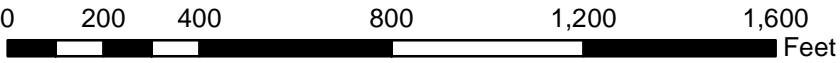
FIGURE 1

Source: World Imagery - Esri and the GIS User Community (2014).



Legend

— Project Boundary



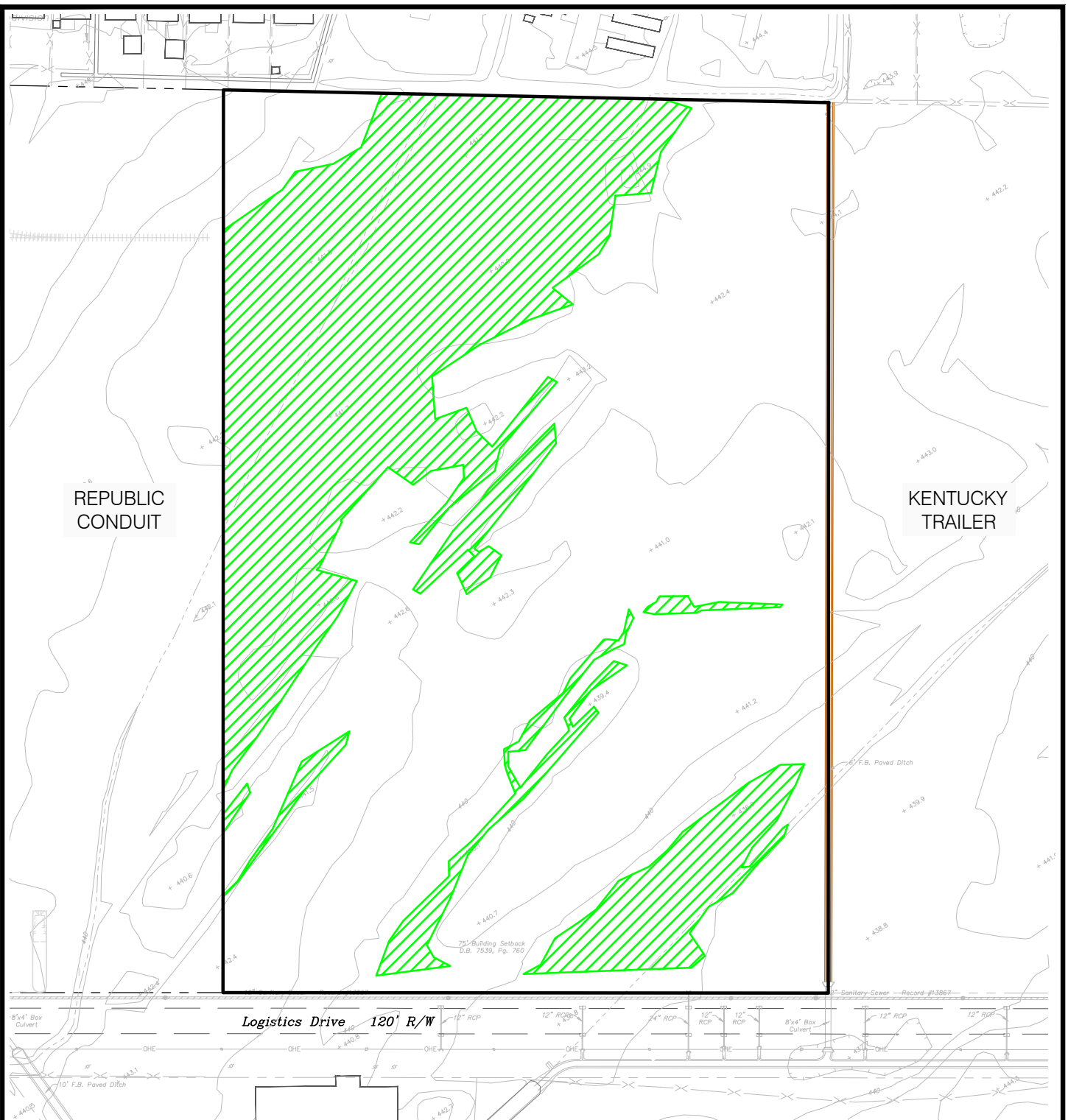
RIVERPORT PHASE 4, LOT 3-2
JEFFERSON COUNTY, KENTUCKY

REVISED DATE: 02-16-16 | DRAWN BY: EDB



PHASE 4
DEVELOPMENT STATUS

FIGURE 2



LEGEND

- PROJECT BOUNDARY
- DELINEATED WETLAND (8.3 ACRES)
- CONCRETE DRAINAGE DITCH

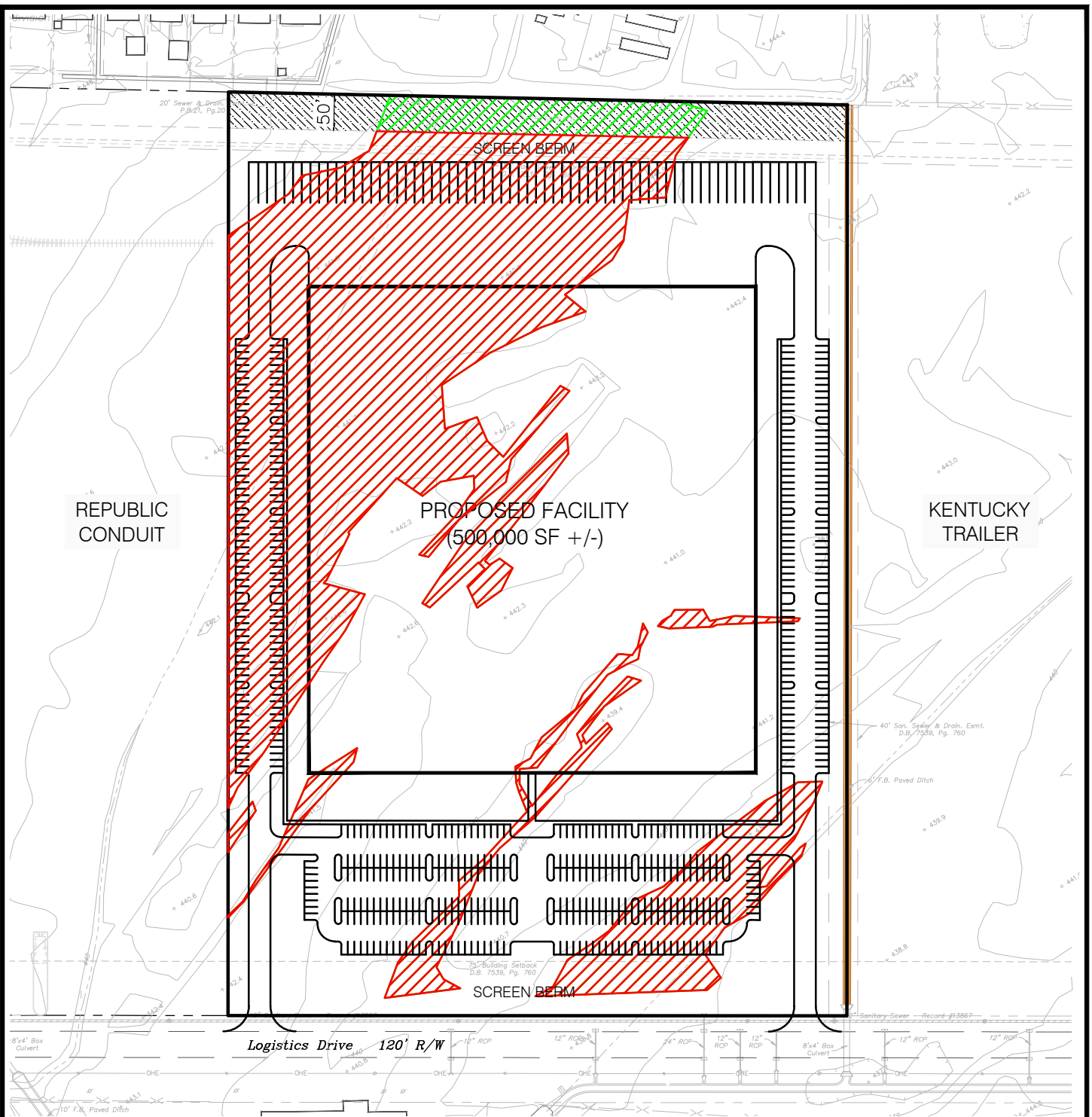
0 200 400 600 800 Feet

SOURCE: BASE MAP PROVIDED BY Qk4.

RIVERPORT PHASE 4, LOT 3-2
JEFFERSON COUNTY, KENTUCKY



WATER/WETLAND
LOCATION MAP



LEGEND

- PROJECT BOUNDARY
- IMPACTED WETLAND (7.8 ACRES)
- UNIMPACTED WETLAND (0.5 ACRE)
- CONCRETE DRAINAGE DITCH
- TREE PRESERVATION AREA



0 200 400 600 800 Feet

SOURCE: BASE MAP PROVIDED BY Qk4.

RIVERPORT PHASE 4, LOT 3-2
JEFFERSON COUNTY, KENTUCKY



SITE DEVELOPMENT PLAN

PHOTOGRAPHS



Photograph 1: Clearing of remaining young scrub habitat, which represents regrowth from original timbering in 2006. Facing north along eastern boundary. December 22, 2015.



Photograph 2: Clearing and chipping of remaining trees and woody debris in the northern portion of the site, facing northwest. December 22, 2015.



Photograph 3: Cleared site facing northwest, with wetland in foreground and Republic Conduit facility in background. February 11, 2015.



Photograph 4: Cleared site, facing east along southern property boundary. Logistics Drive embankment is on the right and the Kentucky Trailer facility is in the background. February 11, 2015.



Photograph 5: The cleared northern portion of the site, facing west. The tree protection/preservation area is on the right and the Republic Conduit facility in the background. February 11, 2015.



Photograph 6: Fencing and signage has been installed to ensure that no impacts occurred to the tree preservation/protection area during clearing activities. Approximately 0.5 acre of wetland in this area will also be preserved. February 11, 2015.



Photograph 7: Cleared site, facing southwest from north-central portion of the site. Note Republic Conduit facility in background right. February 11, 2015.



Photograph 8: Cleared site facing south along eastern boundary. Concrete drainage ditch on left was constructed under the original 404/401 permits. February 11, 2015.



Photograph 9: Cleared site, facing southwest from northeastern property corner. Note Republic Conduit facility in background and chipped wooded material in foreground. February 11, 2015.



Photograph 10: Culvert draining site under Logistics Drive in southeastern portion of the site, facing south. Logistics Drive was constructed under the original 404/401 permits. February 11, 2015.

APPENDIX A

APPLICATION FOR DEPARTMENT OF ARMY PERMIT FORM

17. DIRECTIONS TO THE SITE

From Louisville: South on I-65. West on Watterson Expressway (I-264) to Cane Run Road exit. Left (south) on Cane Run Road for 4.2 miles. Right (west) on Logistics Drive for 0.4 mile. Site on right immediately past Kentucky Trailer facility.

18. Nature of Activity (Description of project, include all features)

Construction of an industrial/warehouse facility, with associated access, parking lots, utilities, stormwater management, and other infrastructure. The project will involve permanent impacts to 7.8 acres of disturbed wetlands.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of this project is to provide an industrial/warehouse facility to meet the manufacturing and distribution needs of Jefferson County and the rapidly expanding Riverport industrial park along the Greenbelt Highway corridor.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The proposed discharge is required for full utilization of the site to meet the minimum facility, parking and infrastructure size limits as identified by the national industrial client.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Clean fill - approximately 25,000 cubic yards		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 7.8 acres wetland
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Impacts to jurisdictional waters of the U.S. cannot be avoided while still meeting the development size requirements. Impacts cannot be further minimized due to the central location of the existing wetlands. Due to the low quality of existing wetlands and the temporal gain wetland functions, the already completed mitigation more than adequately compensates for lost wetland functions. The mitigation for these impacts was included in the previously completed 90-acre wetland restoration/preservation along the Mill Creek and Black Pond Creek corridors and the purchase of 9.3 wetland credits from an approved mitigation bank.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Please see Appendix B of the attached 404 Permit application package for the list of adjoining property owners

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
MSD	clearing and grading		Concurrently		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 2/12/10
SIGNATURE OF APPLICANT DATE

SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

APPENDIX B

LIST OF ADJOINING PROPERTY OWNERS

ADJOINING PROPERTY OWNERS

Carlene Elmore
7112 Denver Lane
Louisville, Kentucky 40258

Larry and Alice Hall
7110 Denver Lane
Louisville, Kentucky 40258

Michael and Sherry Schulz
7108 Denver Lane
Louisville, Kentucky 40258

Green Acres Mobile Home Park
7112 Lower Hunters Terrace
Louisville, Kentucky 40258

R.C. Tway Company, Inc.
7201 Logistics Drive
Louisville, Kentucky 40258

Miyama USA, Inc.
7081 International Drive
Louisville, Kentucky 40258

Sondex Properties, Inc.
7040 International Drive
Louisville, Kentucky 40258

Republic Conduit Manufacturing
7301 Logistics Drive
Louisville, Kentucky 40258