REDWING
ECOLOGICAL SERVICES, INC.
1139 South Fourth Street • Louisville, KY 40203 • Phone 502.625.3009 • Fax 502.625.3077

January 12, 2009

Mr. Eric Hickman
Floodplain Coordinator
Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203

Subject: **Application for Floodplain Construction Permit**
Louisville Dryer – Ohio River Ramp
Jefferson County, Kentucky
Redwing Project 08-089

Dear Mr. Hickman:

On behalf of Industrial Process Systems, Inc., Redwing Ecological Services, Inc. (Redwing), is pleased to submit this Application for Floodplain Construction Permit for the Louisville Dryer – Ohio River Ramp project. The approximately 10-acre site is located north of Port Road, approximately 0.3 mile west of the intersection of Cane Run Road and Riverport Drive in western Louisville, Jefferson County, Kentucky (Figure 1).

The project will involve the construction of a roll on/roll off ramp to allow loading of heavy equipment onto barges on the Ohio River. The ramp will allow loading of equipment that is too large and heavy to be accommodated by the existing local docks.

This submittal presents an "Application for a Permit to Develop/Repair in a Local Regulatory Floodplain or in a Local Regulatory Conveyance Zone" for the Metropolitan Sewer District (MSD), and an "Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification" for the Kentucky Division of Water (KDOW). In addition, a Preconstruction Notification for Nationwide Permit 39 and Application for Section 10 Permit has been included to provide further information about the project.

We appreciate the opportunity to work with you on this project. Please contact Laura Darnell or Richard Clausen at (502) 625-3009 with any questions you have during your review.

Sincerely,

Laura A. Darnell
Staff Ecologist

Richard S. Clausen
Principal
Senior Ecologist

File: 08-089/Reports/MSDLetter

cc: Michael Mercer – Industrial Process Systems, Inc.

RECEIVED BY MSD

2005 JAN 20 AM 9:32

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRNOMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, a 401 Water Quality Certification (WQC) from the Division of Water will be required.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, A Notice of Intent for Storm Water Discharges will also be required. Both forms must be returned to the Floodplain Management Section of the Division of Water.

1. OWNER: Mr. Michael Mercer
   Give name of person(s), company, governmental unit, or other owner of proposed project.
   MAILING ADDRESS: Industrial Process Systems, Inc.
   12711 Townepark Way, Louisville, KY 40243
   TELEPHONE #: (502) 245-1977 EMAIL:
2. AGENT: Redwing Ecological Services, Inc.
   Give name of person(s) submitting application, if other than owner.
   ADDRESS: 1139 South 4th Street
   Louisville, KY 40203
   TELEPHONE #: (502) 625-3009 EMAIL: rclausen@redwing.win.net
3. ENGINEER: Mark Adams P.E. NUMBER: 13282
   Contact Division of Water if waiver can be granted.
   TELEPHONE #: (502) 585-2222 EMAIL: madams@gk4.com
4. DESCRIPTION OF CONSTRUCTION:
   List the items to be constructed in the floodplain
   The proposed Louisville Dryer - Ohio River Ramp involves excavation and grading/filling to construct a roll on/roll off ramp with 5% grade, from 433 feet above mean sea level, down to the normal river level at 382 feet above msl. The purpose of this project is to allow loading of oversized cargo that cannot be transferred using the existing Riverport dock facility. The ramp would be used by the Louisville Dryer Company and may be used by other local companies.
5. COUNTY: Jefferson NEAREST COMMUNITY: Greenwood
6. USGS QUAD NAME Lanesville LATITUDE/LONGITUDE: N 38.165°, W 85.900°
7. STREAM NAME: Ohio River WATERSHED SIZE (in acres): (Large river)
8. LINEAR FEET OF STREAM IMPACTED: 180 linear feet (0.278 acre), on east bank within OHWM
9. DIRECTIONS TO SITE: I-64 west to 1-264 west (Exit 12). Take exit 5B to merge onto Cane Run Road (south). After 3.2 miles, turn right onto Dover Avenue. Turn left onto Cane Run Road. After 2.0 miles, turn right onto Port Road. The project site is located on the right side of Port Road outside the floodwall.

10. **IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE?** ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____

11. **ESTIMATED BEGIN CONSTRUCTION DATE:** June 2009

12. **ESTIMATED END CONSTRUCTION DATE:** June 2010

13. **HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS?** ☐ Yes ☒ No If yes, attach a copy of that permit.

14. **THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:**

(a) **PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:**

_X_ **Public notice in newspaper having greatest circulation in area** (provide newspaper clipping or affidavit)

____ **Adjacent property owner(s) affidavits** (Contact Division of Water for requirements.)

(b) ____ **I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:**

_____

Contact Division of Water for requirements.

15. **I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:**

_____

Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. **LIST OF ATTACHMENTS:** _____

List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

USGS 7.5-minute topographic location map, Aerial photograph, Water/wetland map, Site plan

17. **I,** MM (owners Initials) **CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTYON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR** (for dams, this includes the area that would be impounded during the design flood).

18. **REMARKS:** _____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 01-07-2009

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

_____

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: _____

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

DOW 7116 Revised 02-2007

REDWING
ECOLOGICAL SERVICES, INC. 1139 South Fourth Street • Louisville, KY 40203 • Phone 502.625.3009 • Fax 502.625.3077

January 12, 2009

Ms. Lee Anne Devine
Chief South Section – Regulatory Branch
U.S. Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King, Jr. Place
Louisville, Kentucky 40202

Subject: Preconstruction Notification for Nationwide Permit 39 and Application for Section 10 Permit
Louisville Dryer –Ohio River Ramp
Jefferson County, Kentucky
Redwing Project 08-089

Dear Ms. Devine:

On behalf of Industrial Process Systems, Inc., Redwing Ecological Services, Inc. (Redwing), is pleased to submit this joint Preconstruction Notification (PCN) for Nationwide Permit (NWP) 39 and Application for Section 10 Permit for the Louisville Dryer – Ohio River Ramp project. The approximately 10-acre site is located north of Port Road, approximately 0.3 mile west of the intersection of Cane Run Road and Riverport Drive in western Louisville, Jefferson County, Kentucky (Figure 1). The site consists primarily of old field, with scattered areas of upland woods in the east and riparian woods in the west (Figure 2). The project site includes approximately 465 linear feet of the Ohio River. No additional water/wetland features were found on the site (Figure 3).

This report presents required project information, including a water/wetland delineation of the site. Permanent impacts to jurisdictional features resulting from the proposed project include excavation of approximately 180 linear feet (0.278 acre) of the bank of the Ohio River below the ordinary high water mark (OHWM).

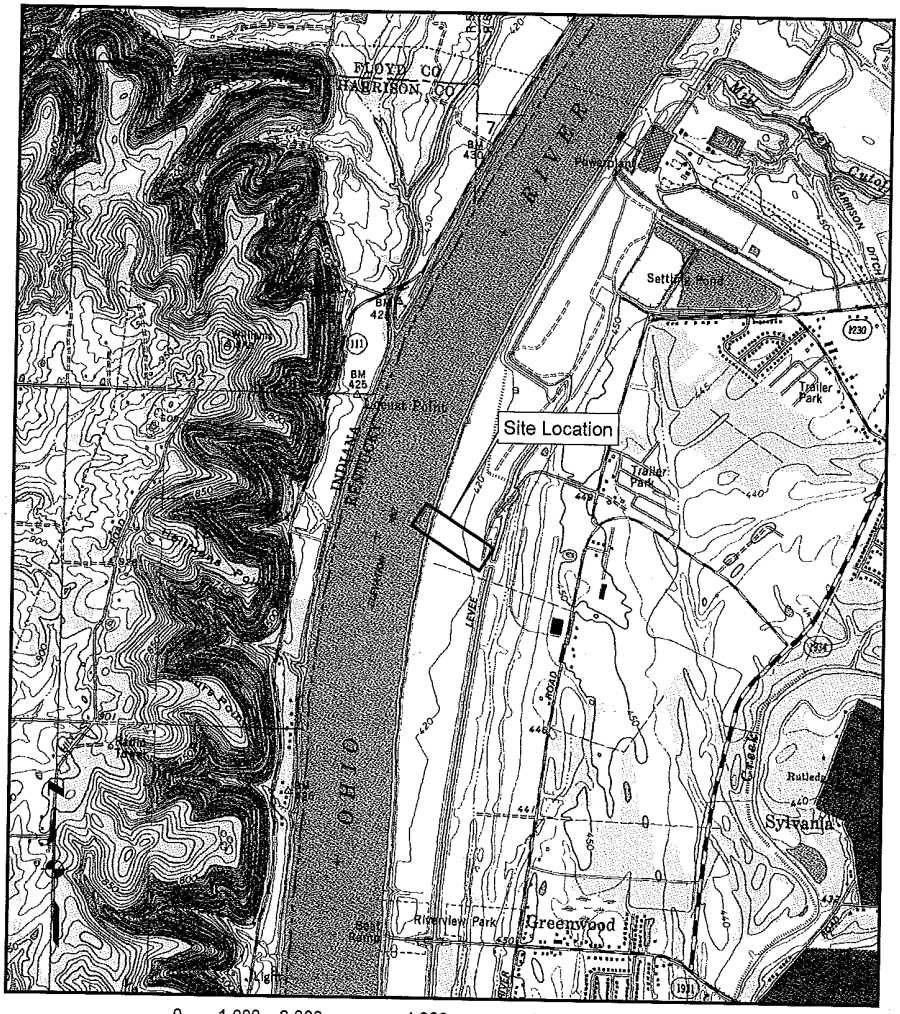
REQUIRED INFORMATION

The following information is submitted as a PCN under NWP 39 for the subject project, per guidance in the Federal Register (Vol. 72, No. 47, Monday, March 12, 2007, Section C Part 27). A completed Department of the Army Permit Application is attached as Appendix C.

1. *Name, address, and telephone number of the prospective permittee.*

   Mr. Michael Mercer
   Industrial Process Systems, Inc.
   12711 Townepark Way
   Louisville, Kentucky 40243
   (502) 245-1977

Source: USGS 7.5-minute topographic quadrangles - Lanesville, KY



0 1,000 2,000 4,000 6,000 8,000 Feet

LOUISVILLE DRYER - OHIO RIVER RAMP
JEFFERSON COUNTY, KENTUCKY

FILE: Redwing/08-089/Figures/SiteLocation

REDWING PROJECT 08-089

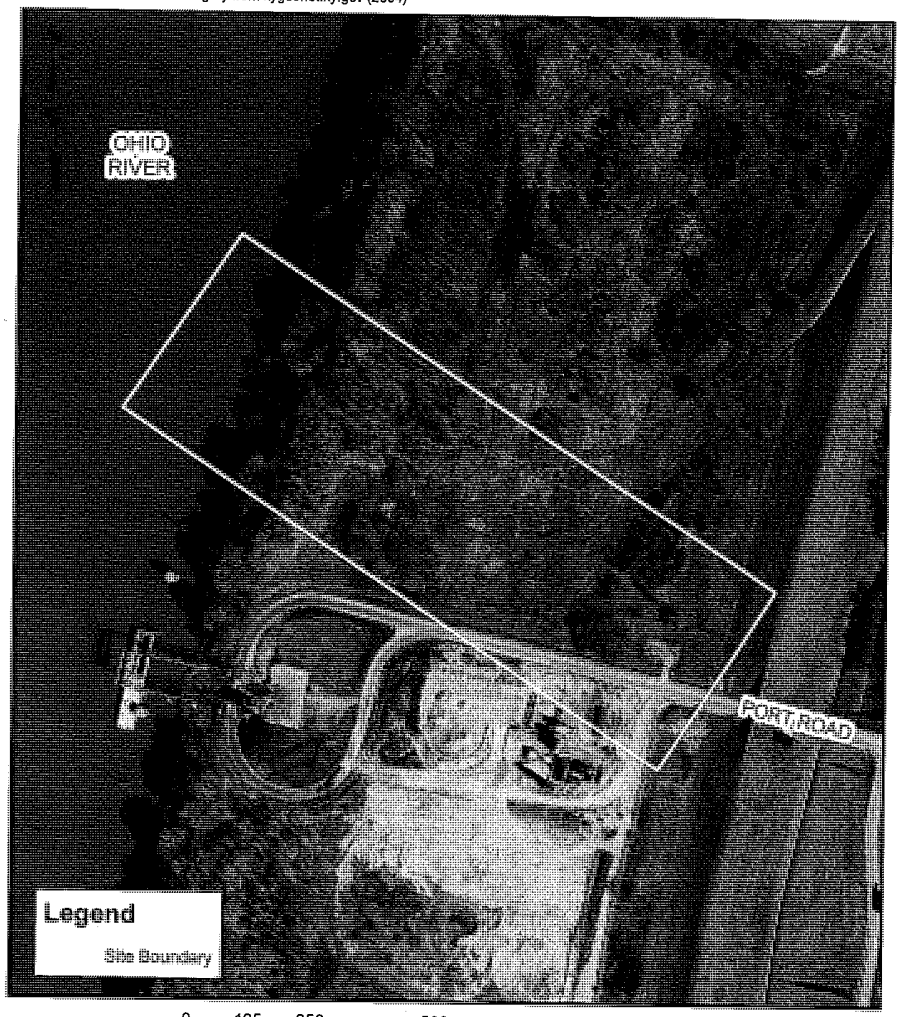
REVISION DATE 11-25-08 | DRAWN BY LAD/LMB

REDWING ECOLOGICAL SERVICES, INC.

SITE LOCATION MAP

FIGURE 1

Source: FSA NAIP Ortho Imagery from kygeonet.ky.gov (2004)



0 125 250 500 750 1,000 Feet

LOUISVILLE DRYER - OHIO RIVER RAMP
JEFFERSON COUNTY, KENTUCKY

FILE: Redwing/08-089/Figures/Aerial
REDWING PROJECT 08-089
REVISION DATE 11-25-08 | DRAWN BY LAD/LMB

REDWING ECOLOGICAL SERVICES, INC.

AERIAL PHOTOGRAPH

FIGURE 2

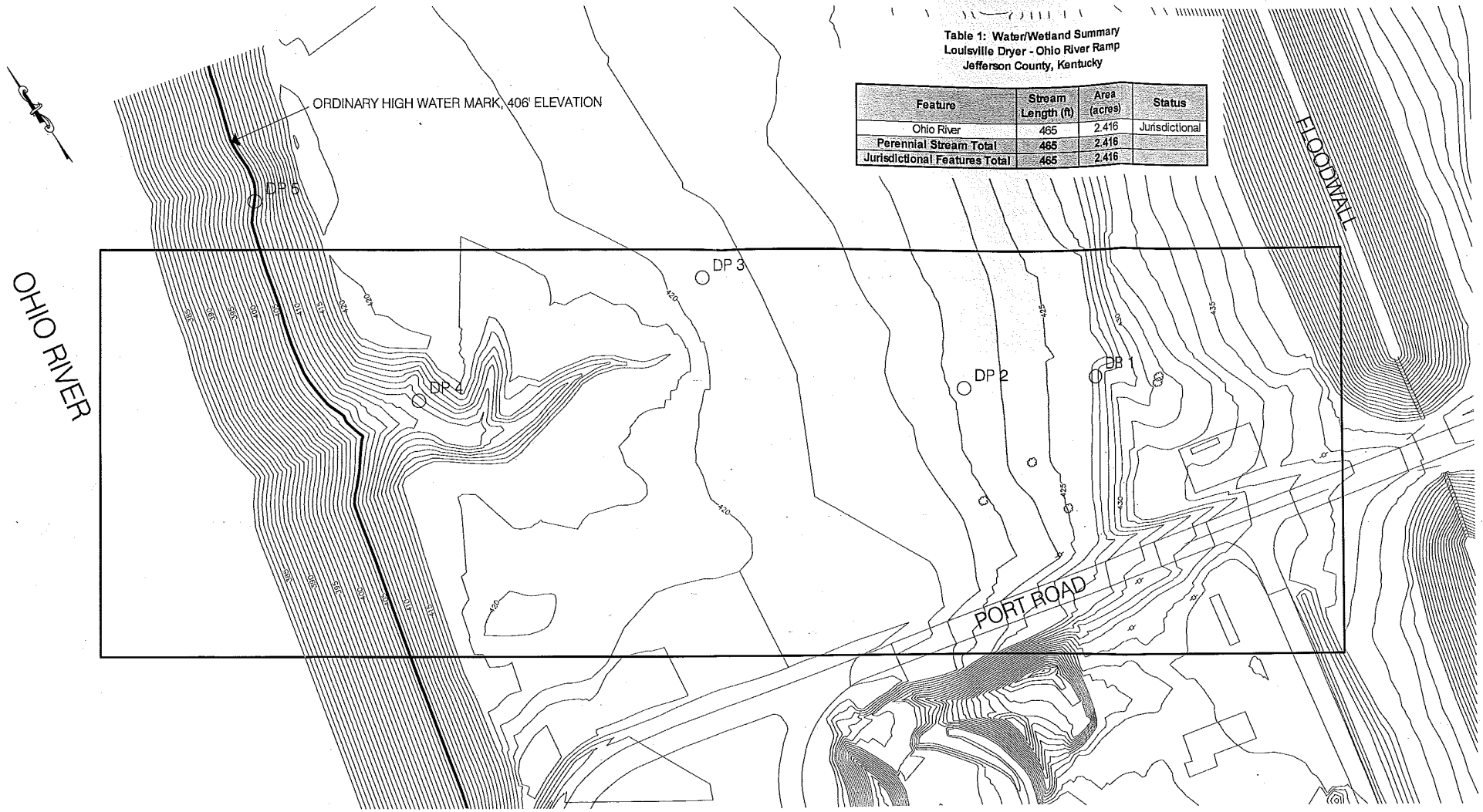


Table 1: Water/Wetland Summary
Louisville Dryer - Ohio River Ramp
Jefferson County, Kentucky

Feature	Stream Length (ft)	Area (acres)	Status
Ohio River	465	2.416	Jurisdictional
Perennial Stream Total	**465**	**2.416**	
Jurisdictional Features Total	**465**	**2.416**	

LEGEND

SITE BOUNDARY

OHIO RIVER - ORDINARY HIGH WATER MARK

DP1 DATA POINT

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON NOVEMBER 5, 2008. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.

SOURCE: BASE MAP PROVIDED BY QK4

100 50 0 100

SCALE IN FEET

LOUISVILLE DRYER - OHIO RIVER RAMP
JEFFERSON COUNTY, KENTUCKY

FILENAME: Redwing/08-089/Figures/water-wetland
PROJECT No.: 08-089 DRAWN BY: LAD
PRINT DATE: 11-24-08

REDWING ECOLOGICAL SERVICES, INC.

WATER/WETLAND LOCATION MAP

FIGURE: 3

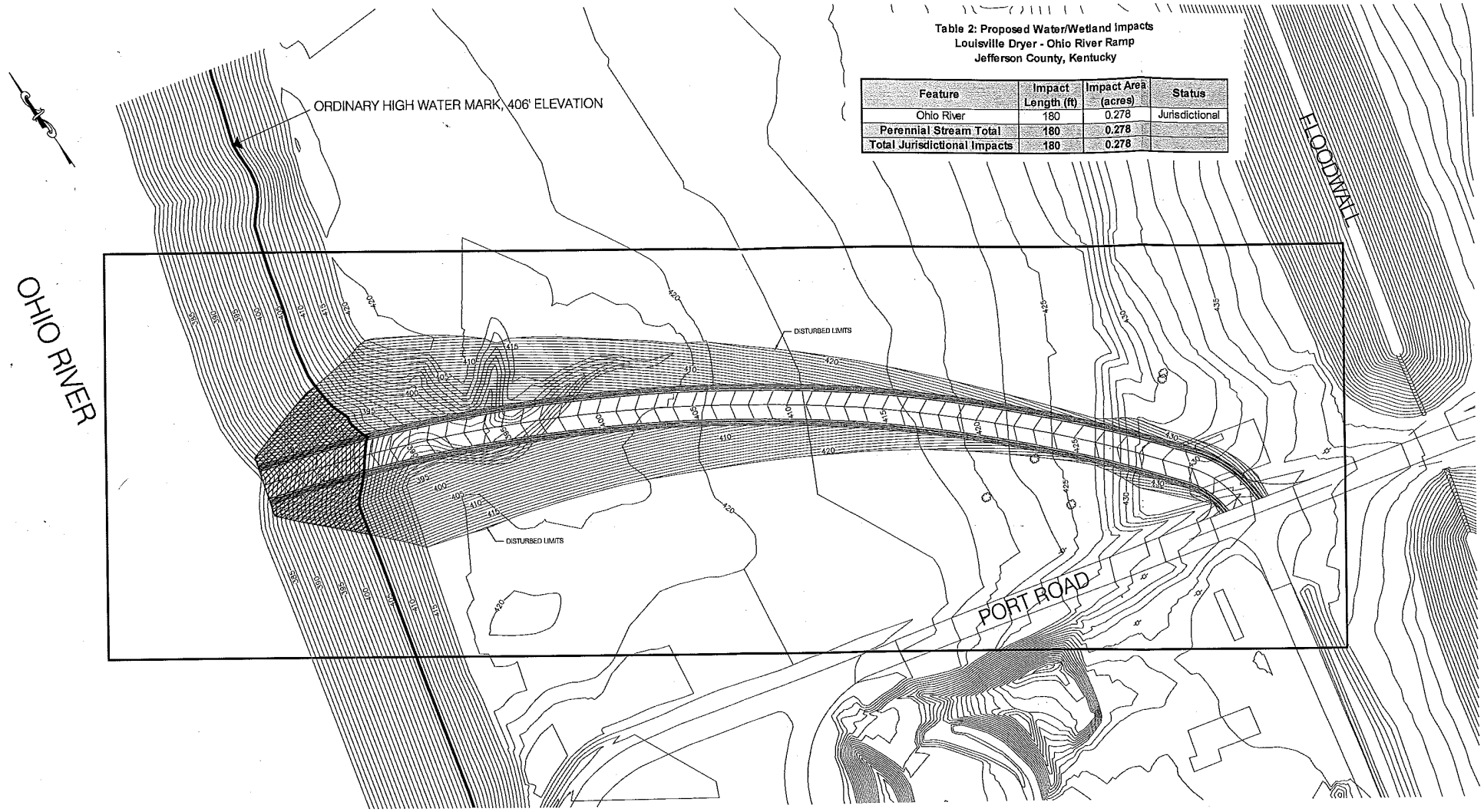


Table 2: Proposed Water/Wetland Impacts
Louisville Dryer - Ohio River Ramp
Jefferson County, Kentucky

Feature	Impact Length (ft)	Impact Area (acres)	Status
Ohio River	180	0.278	Jurisdictional
Perennial Stream Total	**180**	**0.278**	
Total Jurisdictional Impacts	**180**	**0.278**	

NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON NOVEMBER 5, 2008. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.

SOURCE: BASE MAP PROVIDED BY QK4

LEGEND
SITE BOUNDARY
OHIO RIVER - ORDINARY HIGH WATER MARK

100 50 0 100
SCALE IN FEET

LOUISVILLE DRYER - OHIO RIVER RAMP
JEFFERSON COUNTY, KENTUCKY

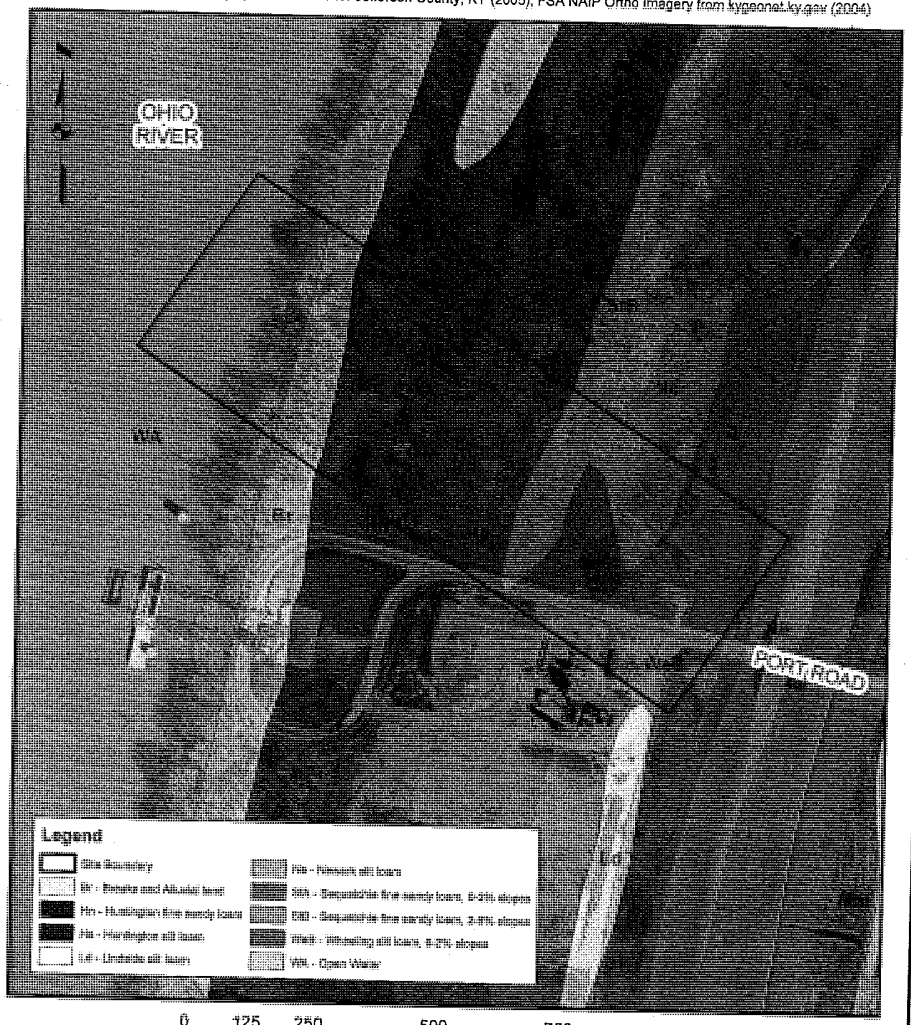
FILENAME: Redwing/08-089/Figures/water-wetland
PROJECT No.: 08-089 DRAWN BY: LAD
PRINT DATE: 11-24-08

REDWING ECOLOGICAL SERVICES, INC.

SITE DEVELOPMENT PLAN

FIGURE: 4

Source: USDA Soil Survey Geographic Database for Jefferson County, KY (2005), FSA NAIP Ortho Imagery from kygeonet.ky.gov (2004)



0 125 250 500 750 1,000 Feet

LOUISVILLE DRYER - OHIO RIVER RAMP
JEFFERSON COUNTY, KENTUCKY

FILE: Redwing/08-089/Figures/Soils
REDWING PROJECT 08-089
REVISION DATE 11-25-08 | DRAWN BY LAD/LMB

REDWING ECOLOGICAL SERVICES, INC.

SOIL SURVEY MAP

FIGURE 5

Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Donald S. Dott, Jr.
Director

Commonwealth of Kentucky
Kentucky State Nature Preserves Commission
801 Schenkel Lane
Frankfort, Kentucky 40601-1403
502-573-2886 Voice
502-573-2355 Fax

October 31, 2008

Matt Blake
Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, KY 40203

Data Request 09-041

Dear Mr. Blake:

This letter is in response to your data request of October 27, 2008 for the Ohio River Access Road project. We have reviewed our Natural Heritage Program Database to determine if any of the endangered, threatened, or special concern plants and animals or exemplary natural communities monitored by the Kentucky State Nature Preserves Commission occur near the project area on the Lanesville USGS Quadrangle, as shown on the map provided. Please see the attached reports for more information, which reflect analysis of the project area with three buffers applied:

1-mile for all records – no records
5-mile for aquatic records – 3 records
5-mile for federally listed species – 10 records
10-mile for mammals and birds – 10 records

Kirtland's snake (*Clonophis kirtlandii*, KSNPC Threatened, federal species of management concern) formerly inhabited moist, grassy meadows and margins of wetlands in the southern and western portions of Jefferson County. Today the species persists in relict populations in minimally to moderately disturbed areas, mostly along stream drainages, but also in higher spots relatively far from streams. These snakes are regularly encountered in residential areas, mostly in grassy strips in floodplains, vacant lots, and similar sites where they find refuge beneath debris and in crayfish burrows. Disturbance, most notably heavy construction, in these habitats can potentially impact populations of the species.

Orconectes jeffersoni (Louisville crayfish, KSNPC endangered, USFWS Species of Management Concern) was not found in the search area, but is known to exist in this watershed.

This species is globally ranked as critically imperiled because it is endemic to several drainages in urban areas of Jefferson, Bullitt and Oldham counties, Kentucky.

Plethobasus cyphyus (Sheepnose, federal candidate, KSNPC endangered) is known to occur near the project. Aquatic species and habitats in the area are sensitive to increased turbidity, sediment, and other adverse influences on water quality. A written erosion control plan should be developed that includes stringent erosion control methods (i.e., straw bales, silt fences and erosion mats, immediate seeding and mulching of disturbed areas), which are placed in a staggered manner to provide several stages of control. All erosion control measures should be monitored periodically to ensure that they are functioning as planned. Our data are not sufficient to guarantee absence of endangered, threatened or sensitive species from the sites of proposed construction disturbance. We recommend that impacted streams be thoroughly surveyed by a qualified biologist prior to any in-stream disturbance.

Falco peregrinus (Peregrine Falcon, KSNPC endangered, federal species of management concern) typically nests on rocky cliffs, bluffs, or dirt banks. Ideal locations include undisturbed areas with a wide view, near water, and close to plentiful prey. Substitute man-made sites include tall buildings, bridges, rock quarries, and raised platforms.

Tyto alba (Barn Owl, KSNPC special concern) can be found in hollow trees, old buildings, barns, silos and other abandoned structures. Before demolition of existing structures, it should be determined that these birds are not present.

I would like to take this opportunity to remind you of the terms of the data request license, which you agreed upon in order to submit your request. The license agreement states "Data and data products received from the Kentucky State Nature Preserves Commission, including any portion thereof, may not be reproduced in any form or by any means without the express written authorization of the Kentucky State Nature Preserves Commission." The exact location of plants, animals, and natural communities, if released by the Kentucky State Nature Preserves Commission, may not be released in any document or correspondence. These products are provided on a temporary basis for the express project (described above) of the requester, and may not be redistributed, resold or copied without the written permission of the Kentucky State Nature Preserves Commission's Data Manager (801 Schenkel Lane, Frankfort, KY, 40601. Phone: (502) 573-2886).

Please note that the quantity and quality of data collected by the Kentucky Natural Heritage Program are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Kentucky have never been thoroughly surveyed, and new plants and animals are still being discovered. For these reasons, the Kentucky Natural Heritage Program cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Kentucky. Heritage reports summarize the existing information known to the Kentucky Natural Heritage Program at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. We would greatly appreciate receiving any pertinent information obtained as a result of on-site surveys.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Sara Hines
Data Manager

SLD/SGH

Enclosures: Data Report and Interpretation Key