



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

Public Notice

Public Notice No.
LRL-2016-310

Open Date:
8 Apr 2016

Close Date:
9 May 2016

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Pam Loeffler, CELRL-OPF-S, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6693

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Sanitation District No. 1 of Northern Kentucky
1045 Eaton Drive
Fort Wright, Kentucky 41017

AGENT: Otte Enterprises
505 Stevenson Road
Erlanger, Kentucky 41018

LOCATION: Bullock Pen Creek along Narrows Road in Erlanger,
Kenton County, Kentucky

Latitude: 38.9943
Longitude: -84.5806
7.5 Minute Quad: KY-Independence

PURPOSE: To protect a sanitary sewer line from further
damage/exposure.

EXISTING CONDITIONS: A sanitary sewer line runs parallel to the left bank of Bullock Pen Creek just east of the north end of Narrows Road in Erlanger, Kentucky. A 65-foot length of the pipe had ruptured in early 2014, and has since been repaired/replaced. This section remains exposed. Current and future bank erosion threatens the sections of the sewer pipe upstream and downstream of the repaired section of pipe.

DESCRIPTION OF WORK: The applicant proposes to construct a drilled shaft retaining wall comprised of 170 24-inch concrete pillars and 82 18-inch plugs to provide bank stabilization and protection of a previously exposed sanitary sewer pipeline situated along and parallel to the left bank of Bullock Pen Creek. Most of the wall would be constructed above/landward of the Ordinary High Water (OHW) elevation of the stream, with only 10 pillars placed within the OHW. Thus, the total amount of concrete to be discharged below OHW would be 1.2 cubic yards (CY), with a total of 10.3 CY located above the OHW. The majority of the work would be conducted from the top of the bank along an existing maintenance road; however, portions of the work would be

conducted from within the stream channel. To conduct the in-stream work on the left bank, the applicant proposed to excavate an estimated 1,140 CY of dredged rock/rubble from a bar situated along 293 linear feet (lft) of the right bank to provide permanent work pads for equipment access to the work area. The removal area would provide a relocated channel to maintain stream flow during and after the construction activity. The dredged material would be left in place to provide additional support/stabilization along the left bank after the work is completed.

While no mitigation was proposed for stream impacts of less than 300 lft, the applicant did propose to dry-drill the shafts for the pillars, collect all spoil material recovered from the drill borings and remove it from the dry work area at the end of each day. Further, the applicant would ensure that proper best management practices would be utilized downstream of the project area to capture any sediment released during the construction activity.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: No mitigation was proposed for stream impacts of less than 300 lft. However, the applicant has proposed to perform the majority of the work from the adjacent roadway, and to dry-drill the shafts for the pillars, collect all spoil material recovered from the drill borings and remove it from the dry work area at the end of each day. Further, the applicant would ensure that proper best management practices would be utilized downstream of the project area to capture any sediment released during the construction activity.

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 until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

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, prehistoric, 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, 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

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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.aspx>. All comments regarding this proposal should be addressed to Ms. Pam Loeffler, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-2016-310-pjl.

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-2016-310-pjl.

Example:

Subject: LRL-2016-310-pjl

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.

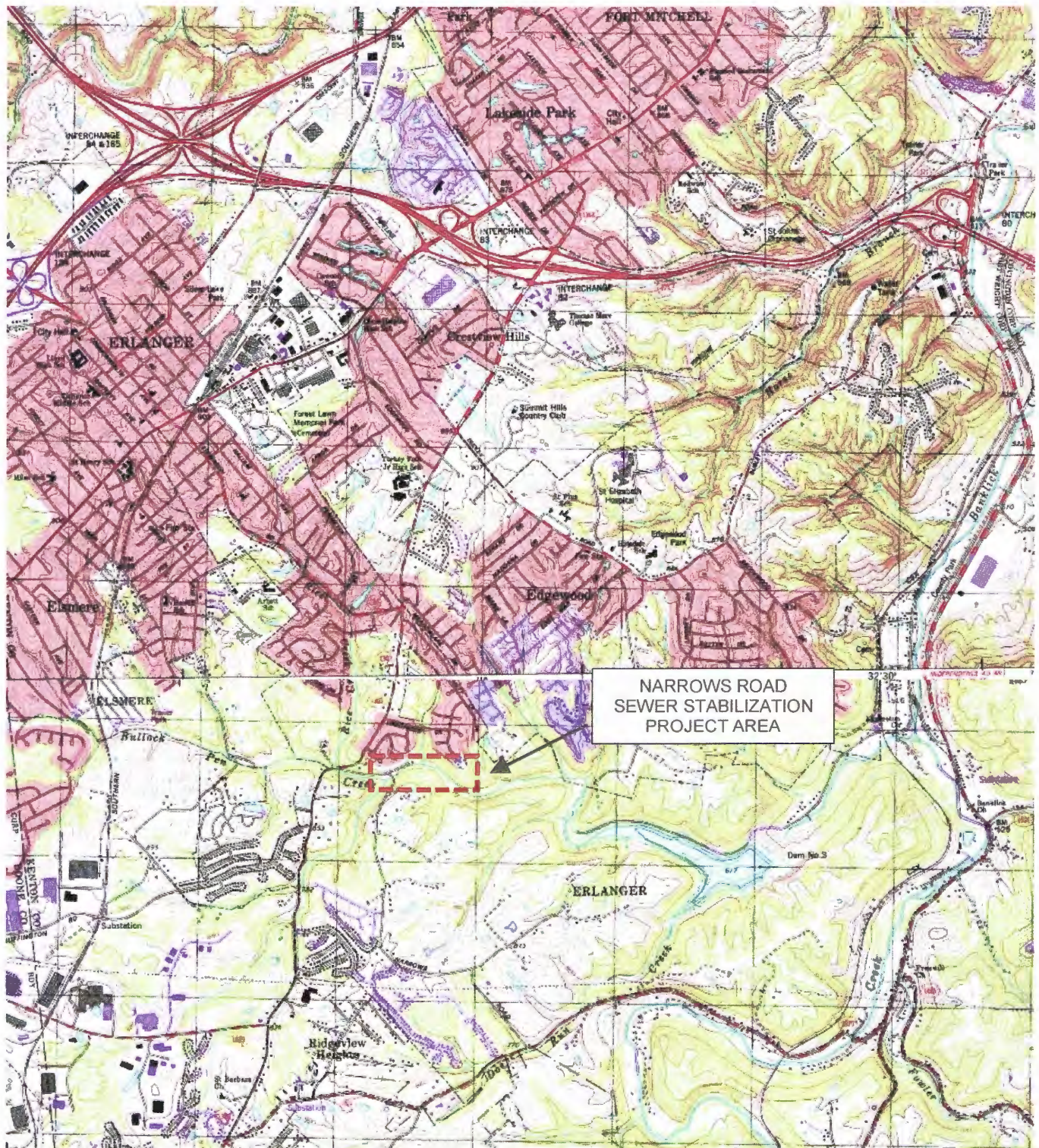


FIGURE 3: U.S.G.S. Covington, Kentucky, and Independence, Kentucky, 7.5 minute topographic quadrangle maps, showing the location of the Narrows Road Sewer Stabilization Project Area

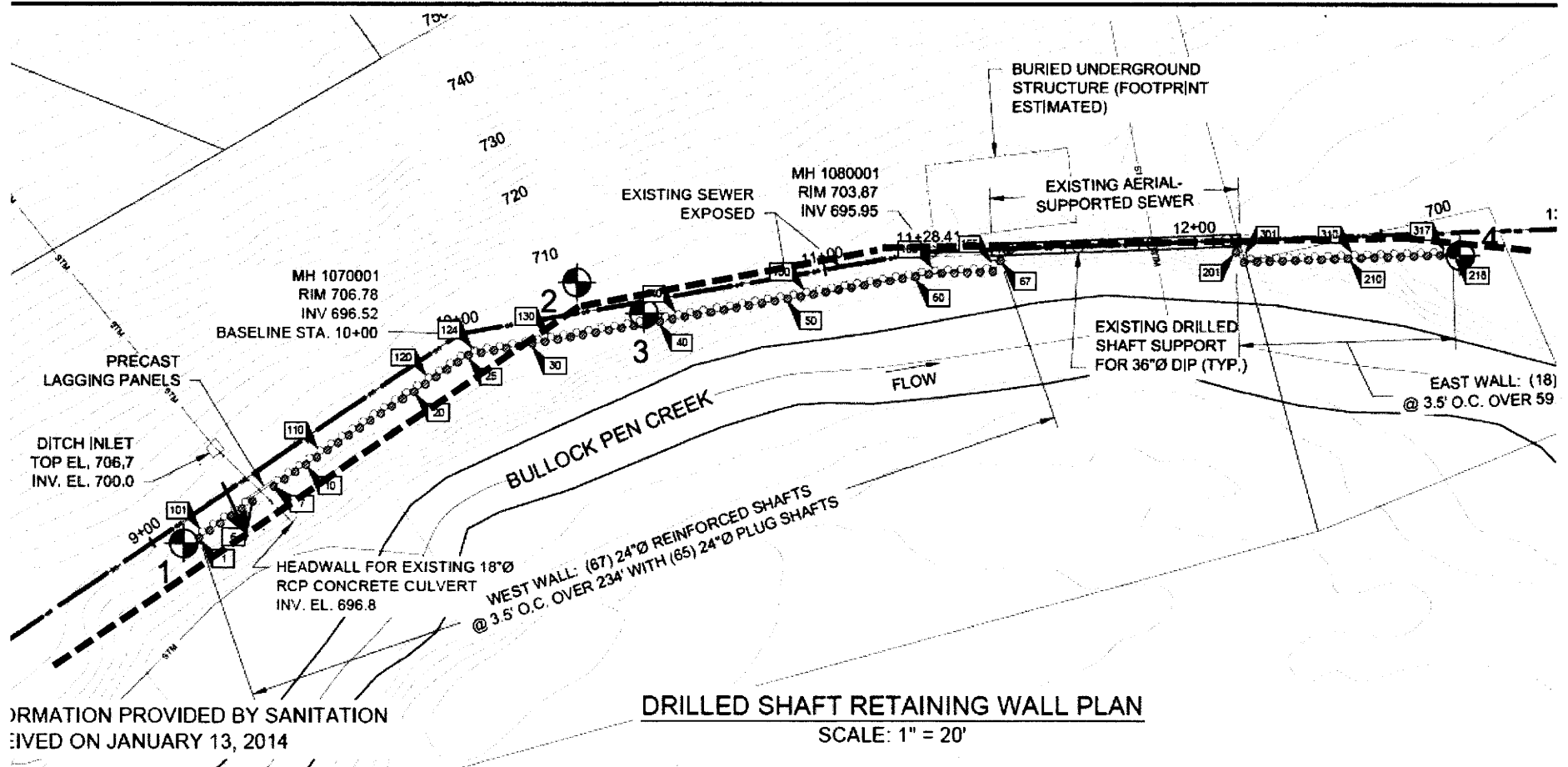


FIGURE 8: Design plan for the Narrows Road Sewer Stabilization Project, showing the individual pillars that will make up the proposed drilled-shaft retaining wall

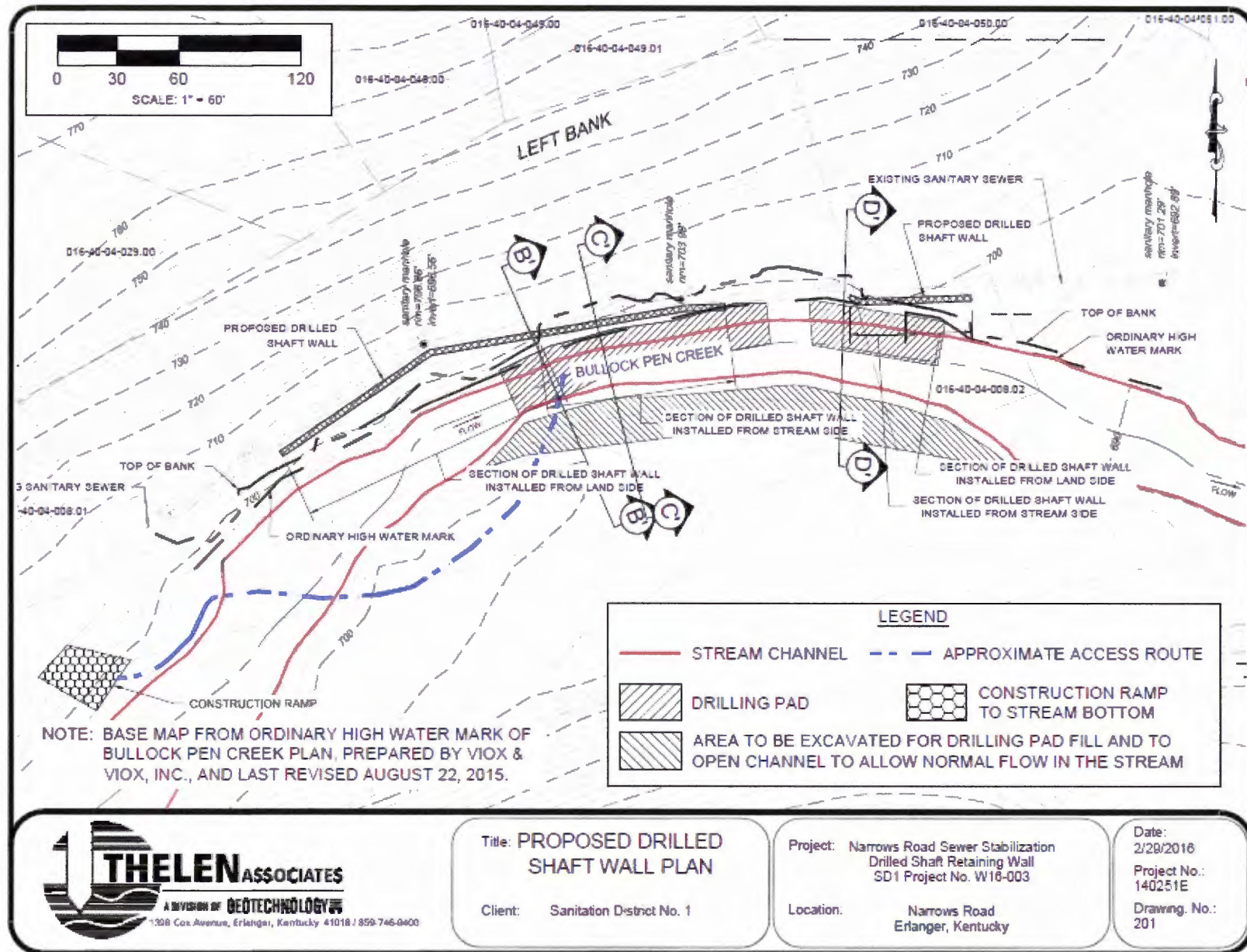


FIGURE 9: Design plan for the Narrows Road Sewer Stabilization Project, showing the new channel of the rerouted section of Bullock Pen Creek

Sanitation District No. 1 of Northern KY
Narrows Road Sewer Stabilization Project
Bullock Pen Creek, Kenton County, KY
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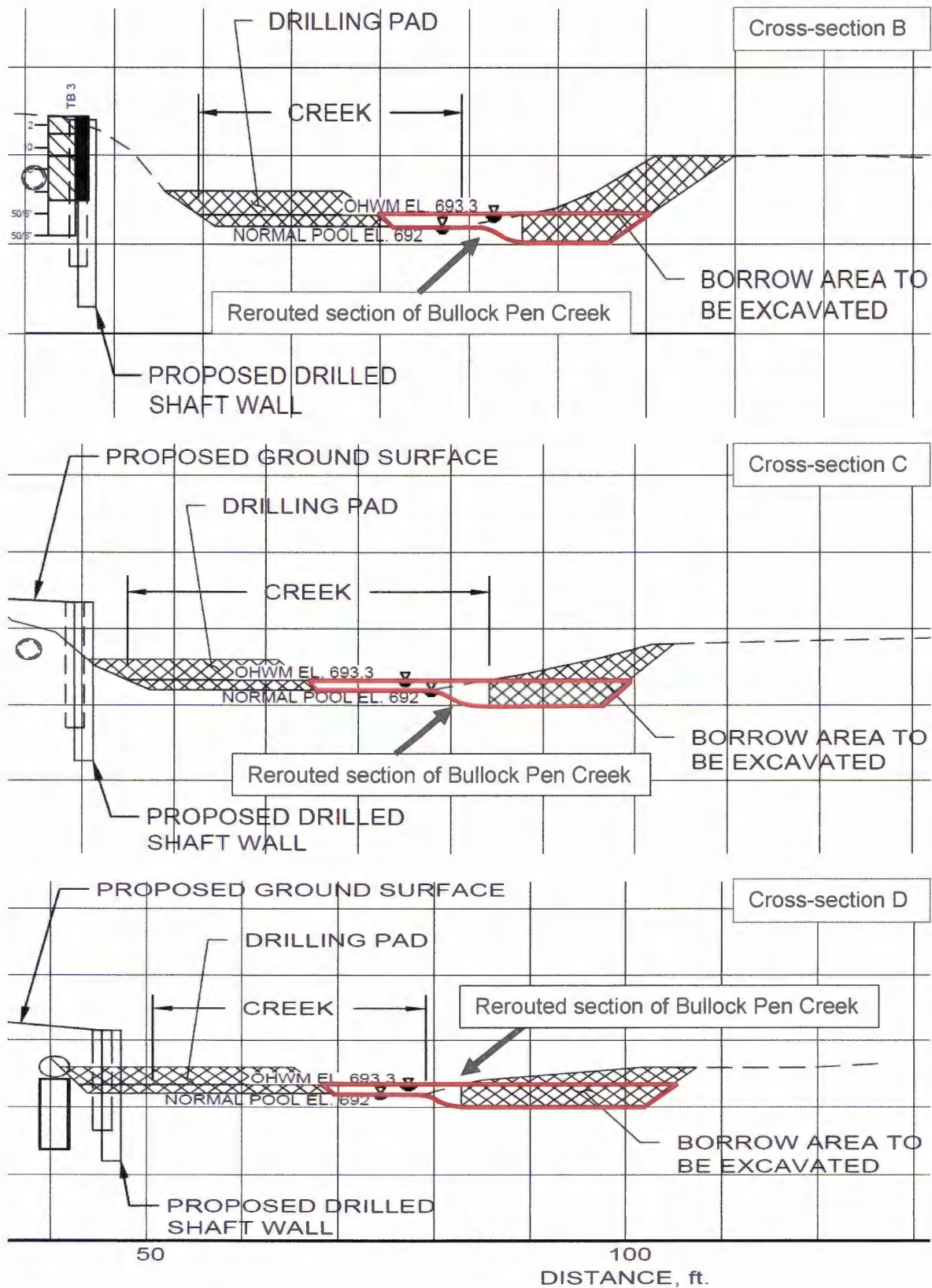


FIGURE 13: Representative view of cross-sections B, C & D showing the new dimensions and location of the rerouted sections of Bullock Pen Creek