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# Joint Public Notice

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

Public Notice No.  
LRL-1983-90009

Open Date:  
17 February 2021

Closing Date:  
19 March 2021

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

Phone: 502-315-6690

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This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act 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:** Marine Builders, Inc  
208 West Church Street  
Utica, Indiana 47130

**AGENT:** Rivertrends, LLC  
4007 Fox Meadow Way  
Prospect, Kentucky 40059

**LOCATION:** The proposed project would be located at Ohio River Mile 596.25 near the intersection of 4<sup>th</sup> Street and Church Street in Clark County, Indiana.

Latitude: 38.327929  
Longitude: -85.655697  
7.5 Minute Quad: Jeffersonville, IN

**PURPOSE:** To conduct maintenance dredging and to extend an existing dike to prevent sedimentation at boat slips.

**DESCRIPTION OF WORK:** The applicant proposes to extend an existing wing dike (100-feet long and 45-feet wide) an additional 125 feet in length. The wing dike is located approximately 100 feet downstream from the mouth of Lentzier Creek and would be 225 linear feet in length upon completion of the proposed project. The wing dike extension would be constructed with dredged material and capped with 3 feet of riprap (6-inch or greater in size). Approximately 2,334 cubic yards of material would be discharged into waters of the U.S. for the construction of the dike extension. The dike would be 15 feet above normal pool and extend perpendicular approximately 225 feet from the left bank of the harbor. The purpose of the dike is to direct flow and heavy sediment load from Lentzier Creek towards the right side of the harbor, thus minimizing the siltation that would occur under the boat slips. The wing dike would allow more efficient removal of the material during future maintenance dredging operations.

The applicant also proposes to conduct a one-time dredging operation to restore a harbor bottom elevation of 412 feet. Approximately 25,000 cubic yards of material would be removed from the 8.7 acre harbor. The dredging would be completed using a barge mounted excavator. The dredged material would be placed on a barge and then into the proposed decanting area or it would be placed directly from the excavator into the proposed decanting area. The dredged material would be move to an upland disposal area. The proposed decanting area would be located on the right bank of the harbor and the proposed disposal area would be located northeast of the harbor. The decanting and disposal areas would be surrounded by silt fencing to control runoff. The decanting and disposal areas were utilized during previous authorized dredging operations.

The applicant also proposes to conduct annual maintenance dredging to maintain the marina bottom elevation of 412 feet for a period of ten (10) years. No more than 5,000 cubic yards of material would be removed from the marina per year, for a maximum of 50,000 cubic yards over the ten (10) year authorization period. The annual maintenance dredging would be conducted with a barge mounted excavator and would use the same decanting and disposal areas detailed above.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The project area is an existing active harbor and has had three previous maintenance dredging authorizations. Silt fencing would be utilized to minimize runoff from the proposed disposal area.

No mitigation is proposed for the requested authorization. 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 serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. 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 have been directly affected by the 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. 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 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/Public-Notices/>. All comments regarding this proposal should be addressed to Mr. Cody Thayer, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-1983-90009.

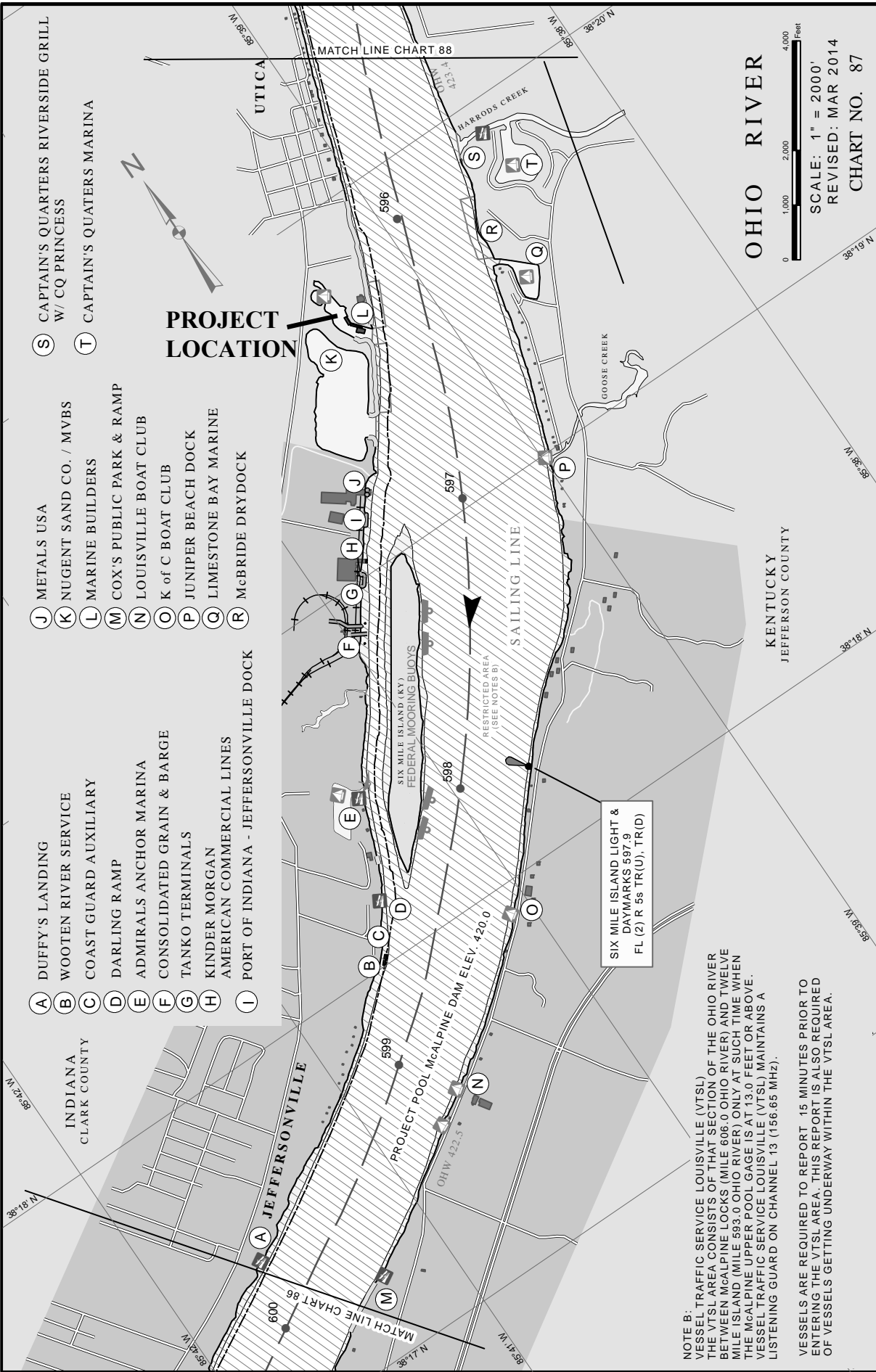
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-1983-90009.

Example:

Subject: LRL-1983-90009

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil)
- d) If you are sending attachments greater than 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



- (A) DUFFY'S LANDING
- (B) WOOTEN RIVER SERVICE
- (C) COAST GUARD AUXILIARY
- (D) DARLING RAMP
- (E) ADMIRALS ANCHOR MARINA
- (F) CONSOLIDATED GRAIN & BARGE
- (G) TANKO TERMINALS
- (H) KINDER MORGAN
- (I) AMERICAN COMMERCIAL LINES
- (J) METALS USA
- (K) NUGENT SAND CO. / MVBS
- (L) MARINE BUILDERS
- (M) COX'S PUBLIC PARK & RAMP
- (N) LOUISVILLE BOAT CLUB
- (O) K of C BOAT CLUB
- (P) JUNIPER BEACH DOCK
- (Q) LIMESTONE BAY MARINE
- (R) McBRIDE DRYDOCK
- (S) CAPTAIN'S QUARTERS RIVERSIDE GRILL W/ CQ PRINCESS
- (T) CAPTAIN'S QUATERS MARINA

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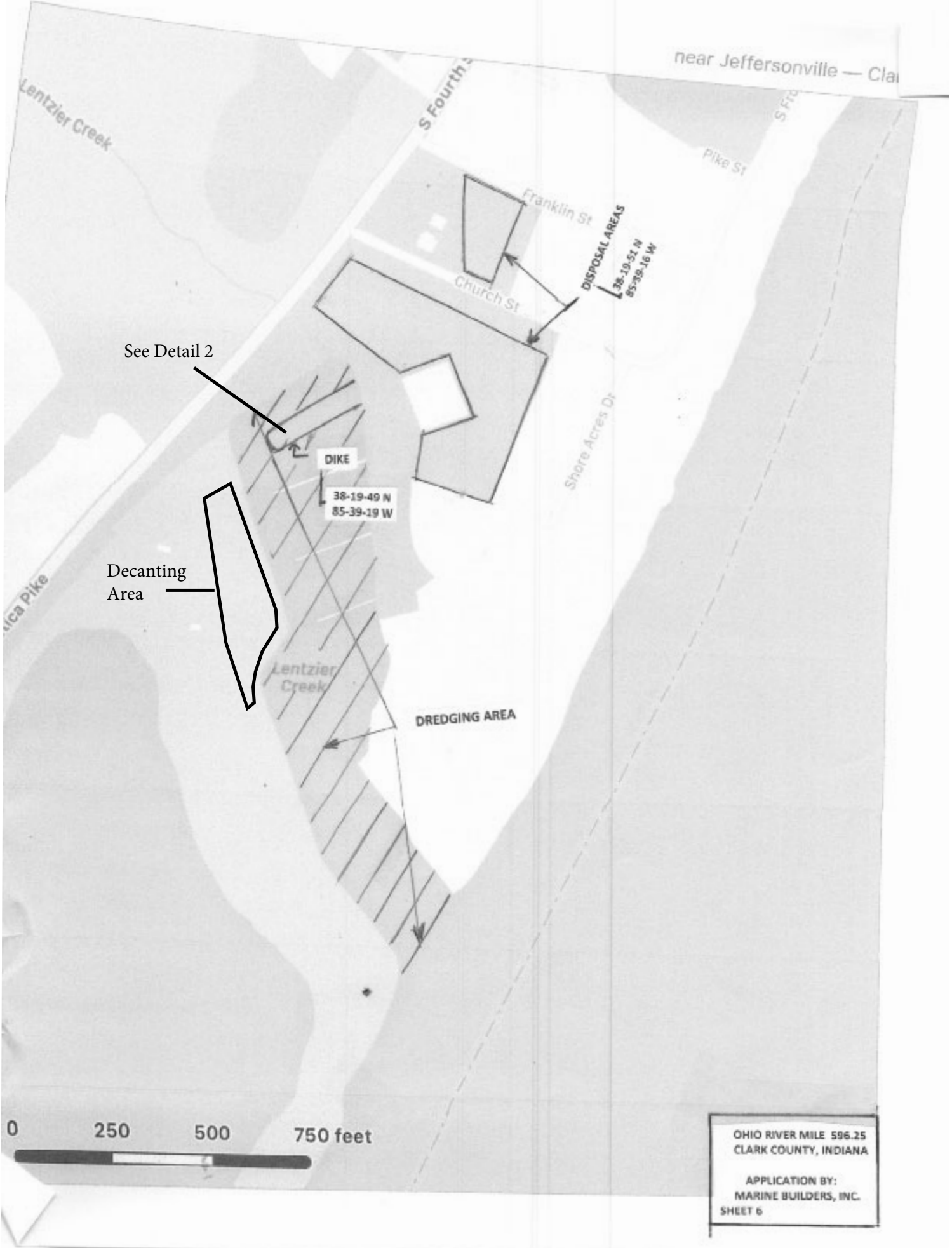
**OHIO RIVER**

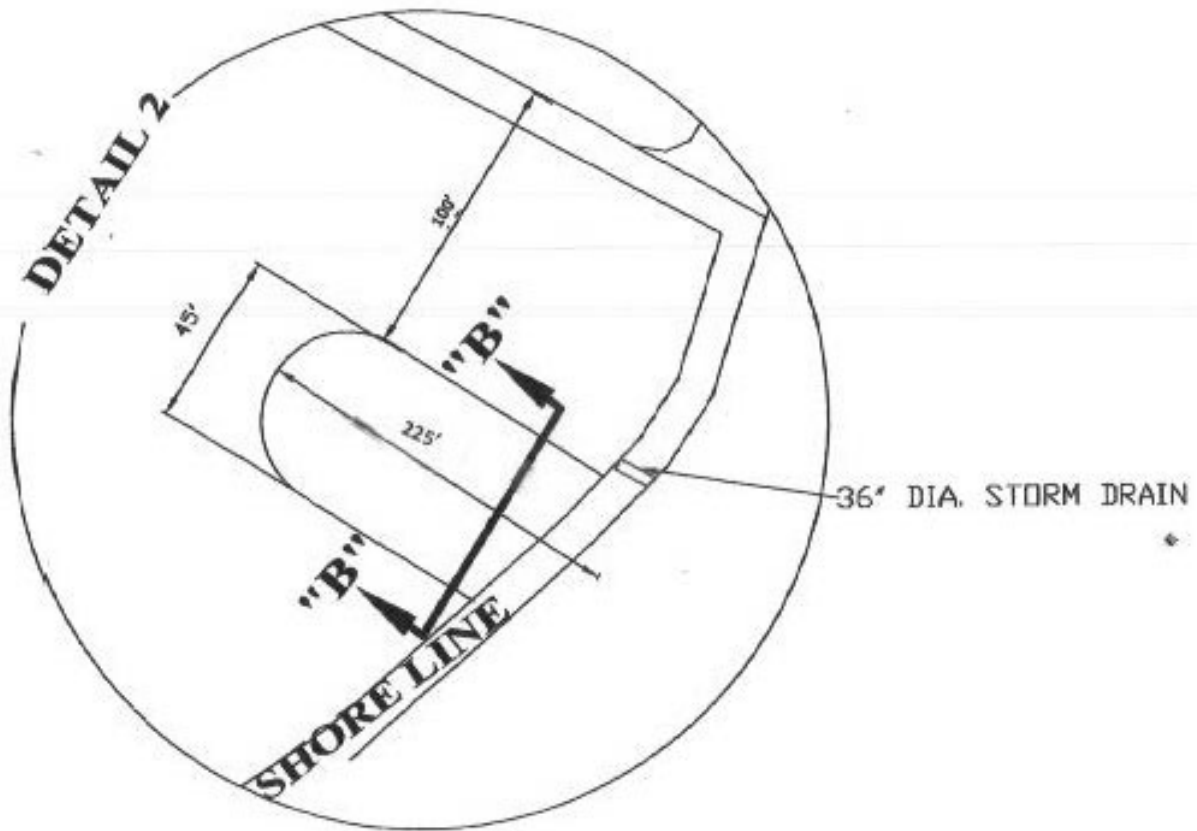
SCALE: 1" = 2000'

REVISED: MAR 2014

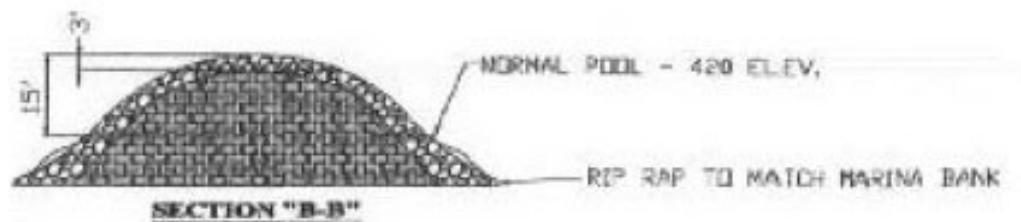
CHART NO. 87

NOTE B:  
 VESSEL TRAFFIC SERVICE LOUISVILLE (VTSL)  
 THE VTSL AREA CONSISTS OF THAT SECTION OF THE OHIO RIVER  
 BETWEEN McALPINE LOCKS (MILE 606.0 OHIO RIVER) AND TWELVE  
 MILE ISLAND (MILE 593.0 OHIO RIVER) ONLY AT SUCH TIME WHEN  
 THE McALPINE UPPER POOL GAGE IS AT 13.0 FEET OR ABOVE.  
 VESSEL TRAFFIC SERVICE LOUISVILLE (VTSL) MAINTAINS A  
 LISTENING GUARD ON CHANNEL 13 (156.65 MHz).  
 VESSELS ARE REQUIRED TO REPORT 45 MINUTES PRIOR TO  
 ENTERING THE VTSL AREA. THIS REPORT IS ALSO REQUIRED  
 OF VESSELS GETTING UNDERWAY WITHIN THE VTSL AREA.





**DETAIL 2**



CORP. ID #LRL-2015-377

PROPERTY LOCATION  
OHIO RIVER MILE 596.25  
CLARK COUNTY, INDIANA

APPLICATION BY:  
MARINE BUILDERS INC.

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SCALE: NOT TO SCALE OCT 25, 2016