



Public Notice

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

Public Notice No.
LRL-2004-00979

Open Date:
30 September 2021

Closing Date:
01 November 2021

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

Phone: 502-315-6689

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: Rolf Klein
The Harbor at Harrod's Creek
5016 Marina Cove
Prospect, KY 40059

LOCATION: 6413 Marina Drive Prospect, KY 40059
Harrod's Creek Mile 1.0

Latitude: 38.332
Longitude: -85.629
7.5 Minute Quad: Jeffersonville, KY

PURPOSE: Perform dredging activities to remove accumulated sediments and increase water depth at an existing marina to allow safe mooring and navigation of vessels within the marina embayment.

DESCRIPTION OF WORK: The applicant proposes renewal of authorization to conduct periodic maintenance dredging of an existing marina located in an embayment off Harrod's Creek. The applicant request authorization to dredge approximately 50 cubic yards of material annually from the embayment to maintain a 5-foot water level at normal pool to allow for sufficient depth to moor vessels within the marina. There is also a "flow inlet" pipe which allows flow from Harrod's Creek into the embayment. Accumulated sediments blocking the inlet would also be remove as part of the proposed activities. Dredging would be accomplished by hydraulic suction equipment. The dredged material consisting primarily of silt would be discharged into Harrod's Creek at two locations near the marina which are approximately 15' deep at normal pool.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The Project would impact an approximate 2-acre man-made embayment located on Harrod's Creek. Current water depth of the area is between 2-3 feet, and the proposal would dredge the area to maintain a water depth of 5 feet at normal pool. Maintenance dredging has been performed at this location using

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similar methodologies on an annual basis since at least 2004, and last occurred in 2020. Past activities have discharged dredged materials on the flood plain adjacent to the property. No mitigation is currently proposed.

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. The Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7(a) 2 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered, or any designated critical habitat. A copy of this notice is being furnished to the USFWS for their review. Per this notification, we request comments from the USFWS concerning potential impact to threatened and/or endangered species that may occur within the project area. After receipt of comments, the USACE will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat and initiate consultation with USFWS, if required.

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.

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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. Matt Dennis, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2004-00979.

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. 502-315-6689.

Example:

Subject: LRL-2004-00979

- 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 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Exhibit A. Area Map



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Harrods Creek

Harrods Creek

BB

Flow Inlet From Creek

AA/BB Proposed Discharge Area

AA

Harrods Creek

Harbor at Harrods Creek

Harrods Creek

841

Snyder Fwy

Google

Kayak

7001

