

Public Notice

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

Public Notice No.
LRL-2010-00524-mlk

Open Date:
30 August 2021

Closing Date:
29 September 2021

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

Phone: 502-315-6709

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: Waterfront Development Corporation
129 River Road
Louisville, Kentucky 40202

LOCATION: Ohio River, left bank from Mile 604.0 to 602.1 in Louisville,
Jefferson County, Kentucky.

Latitude: 38.259°N
Longitude: 85.7585°W
7.5 Minute Quad: NEW ALBANY

PURPOSE: To allow safe operating conditions and maintain access to boat docks, harbors and the Wharf for recreational boats and passenger vessels.

DESCRIPTION OF WORK: The applicant has requested to renew their existing maintenance dredging permit for an additional 10-years to retain safe operating conditions along the Municipal Wharf, the Great Lawn Harbor, the Tumbleweed Docks, and River Park Place Marina, by dredging silt deposited by the river from these four areas. The material would be removed by scraper, hydraulic and bucket/clamshell dredging and would be disposed of in-river just beyond the navigational channel, typically during the months of March and April. Area 1 as depicted on the drawings, is located at the Municipal Wharf and would require the removal of approximately 6,300 cubic yards of dredged material per year. Area 2, the Great Lawn Harbor, would require the removal of approximately 1,850 cubic yards of dredged material per year. Area 3, the Tumbleweed Docks, would require the removal of approximately 1,500 cubic yards of dredged material per year. Area 4, River Park Place Marina, would require the removal of approximately 53,000 cubic yards of dredged material per year.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has not provided any mitigation measures for the work proposed at this time.

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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). Also noted, the Paget House is located adjacent/near one of the proposed dredging areas (Area 4). However, the proposed dredging is not expected to adversely affect this structure, either directly or indirectly.

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

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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 Ms. Meagan Knuckles, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2010-00524-mlk.

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-2010-00524-mlk.

Example:

Subject: LRL-2010-00524-mlk

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.

LATITUDE - LONGITUDE

28.2591195208 4174

85.75809727368633

#1
8-3-21

MILE 604.0



AREA #1

- PHOTO SHOWS NORMAL SUMMER POOL ELEVATION
- 1700 LF X 50 LF - 0.300 cu.yds
- DIRECTIONAL ARROWS INDICATE SCRAPER OR HYDRAULIC DREDGE REMOVAL

AREA #2

- 125 LF X 200 LF - 1850 cu.yds

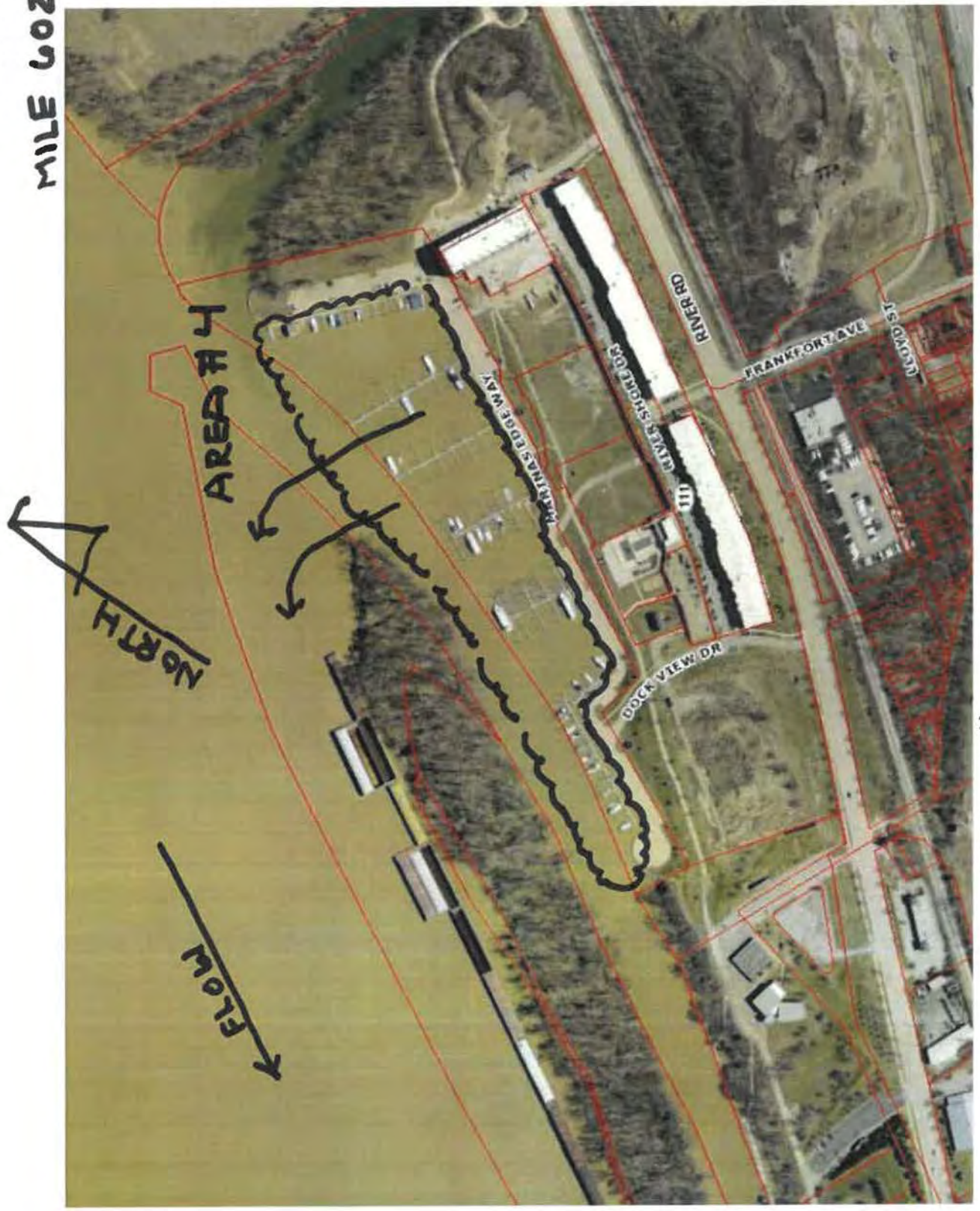


AREA #3
- PHOTO SHOWS NORMAL SUMMER POOL ELEVATION
- 400 LF X 50 LF - 1500 SQ. YDS.
- DIRECTIONAL ARROWS INDICATE SCRAPER OR HYDRAULIC DREDGE

LATITUDE - LONGITUDE
38.26812860380214 -
85.72475252511063

MILE 602.1

#3
8-3-21



- AREA #4
- PHOTO SHOWS NORMAL SUMMER POOL ELEVATION
 - 1800 LF X 400 LF - 53,000 cu.yds
 - DIRECTIONAL ARROWS INDICATE SCRAPER OR HYDRAULIC DREDGE