

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

Public Notice

Public Notice No.
LRL-2012-00443

Open Date:
25 September 2020

Closing Date:
26 October 2020

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville Regulatory Office

ATTN: Donald Lewis,

CELRL-RDS, Room 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: 502-315-6301

This notice describes an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act. The project is being considered for authorization in accordance with 33 CFR 325.2(b)(2) and the procedures outlined in the “Letter of Permission for New Mitigation Projects Associated with Approved Compensatory Mitigation Banking and In-Lieu Fee Instruments”, I.D. No. LRL-2010-323.

APPLICANT: The Northern Kentucky University,
Center for Environmental Restoration
Stream and Wetland In-Lieu Fee Program
15 Clearview Drive
Highland Heights, Kentucky 41076

LOCATION: On unnamed tributaries of Long Branch (perennial), and on surrounding riparian habitat, located on a 17.4-acre parcel within Central Park/Boone County Arboretum in Boone County, Kentucky.

Latitude: 39.027195° N
Longitude: -84.710285° W
7.5 Minute Quad: Union, KY

PURPOSE: To provide aquatic habitat rehabilitation, enhancement and preservation, and riparian habitat restoration and preservation.

DESCRIPTION OF WORK: The Central Park Stream Restoration Project would include approximately 6,348 linear feet of stream enhancement, rehabilitation and preservation. The project would also restore and preserve adjacent riparian habitat. The project is estimated to generate 4,386 stream Adjusted Mitigation Units (AMUs) and would be permanently protected through implementation of conservation deed restrictions, held by the Boone County Conservancy, on the restored streams and riparian areas. The unnamed ephemeral and intermittent streams are tributary to Long Branch, which is a tributary to Allen Fork, which is a tributary to Woolper Creek, a Traditionally Navigable Water (TNW).

The Corps has determined that the proposed undertaking would have “no adverse effect on historic properties”. In a letter dated May 18, 2018, the Kentucky State Historic Preservation Officer concurred with the Corps determination that there will be “No Historic Properties Affected”

by this project. In accordance 36 C.F.R. §800.5(d)(1), 33 C.F.R. §325, Appendix C, Section (7)(c), and the Interim Guidance issued by the Corps of Engineers on April 25, 2005, obligations under Section 106 of the National Historic Preservation Act have been fulfilled.

The Corps determined that the project, as proposed, “May affect, likely to adversely affect” critical habitat and two federally listed taxa, Indiana (*Myotis sodalis*) and Northern long-eared (*Myotis septentrionalis*). The project would adhere to the conservation measures associated with the Kentucky Field Office’s 2016 *Revised Conservation Strategy for Forest-Dwelling Bats* and the 2015 Biological Opinion: *Kentucky Field Office’s Participation in Conservation Memoranda of Agreement for the Indiana Bat and/or Northern Long-eared Bat*. The Corps also made a determination of “May affect, not likely to adversely affect” the federally listed running buffalo clover (*Trifolium stoloniferum*). In a letter dated April 10, 2020, the U.S. Fish and Wildlife Service concurred with the Corps’ determinations for the three federally-listed taxa. Therefore, in accordance with the U.S. Fish and Wildlife Service letter, dated April 10, 2020, the obligations under Section 7 of the Endangered Species Act have been fulfilled for this proposal.

The Public Notice is available on Louisville District’s Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory/Public-Notices/>. If you would like a copy of the project mitigation plan and design, please submit a request to the address below.

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

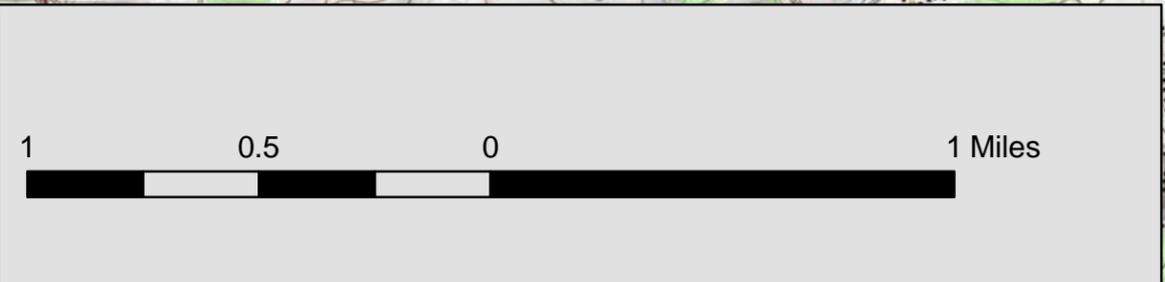
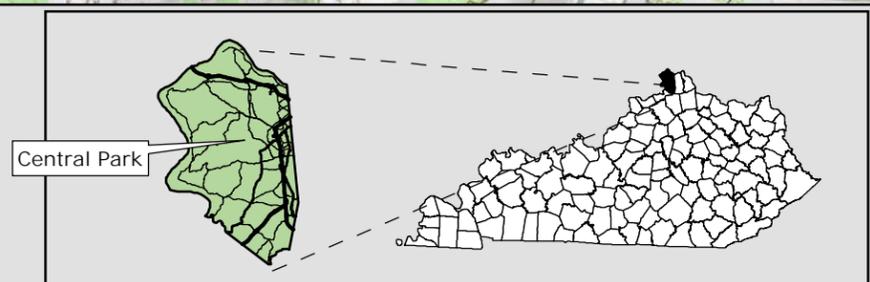
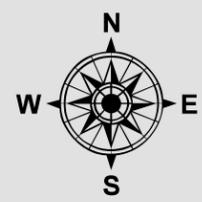
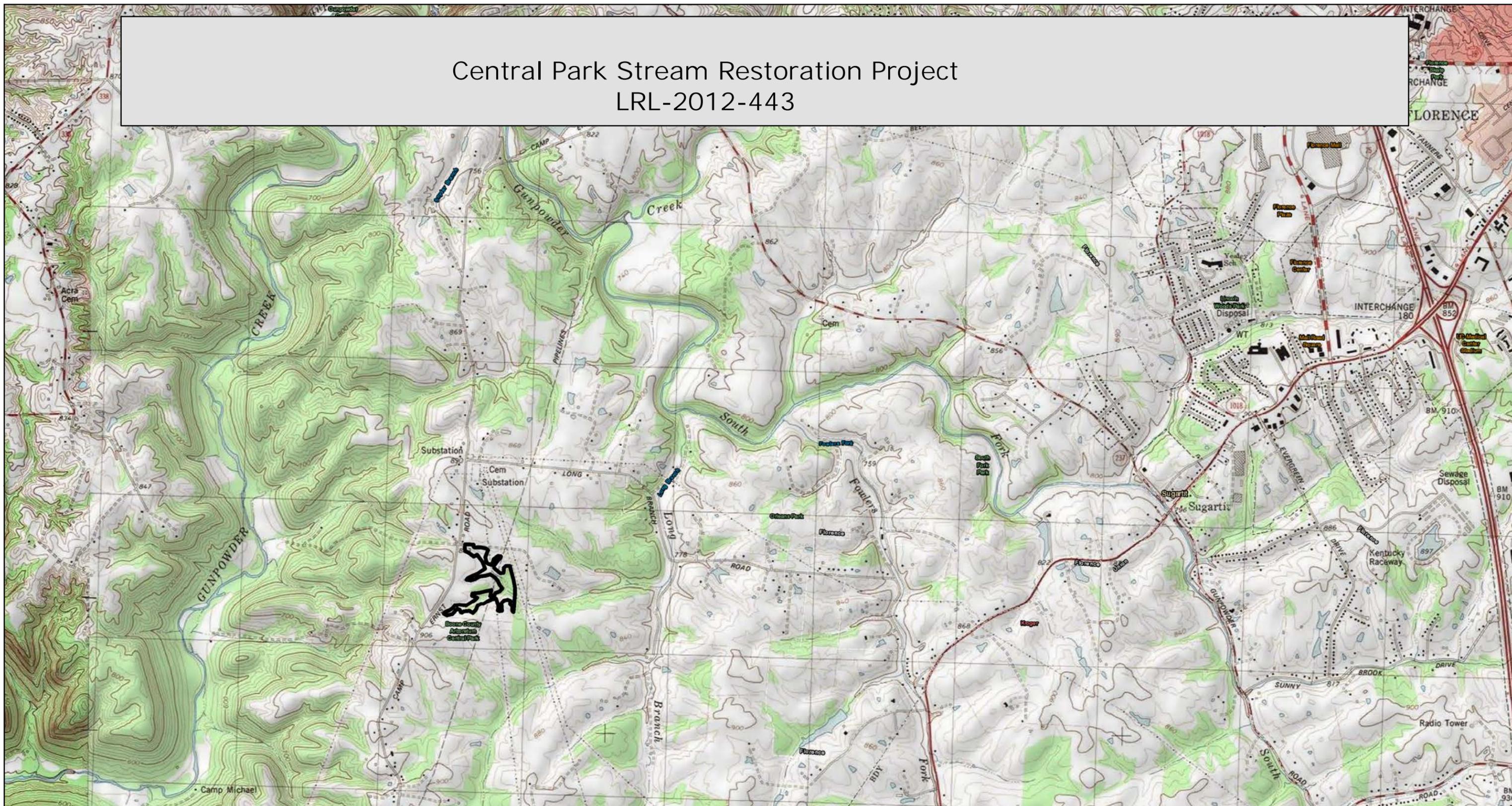
- a) In the subject line of your email, type in ONLY the Public Notice ID No. LRL-2012-00443

Example:

Subject: LRL-2012-00443

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: Donald.e.lewis@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.

Central Park Stream Restoration Project LRL-2012-443



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