

# Public Notice

**US Army Corps  
of Engineers**  
Louisville District

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Public Notice No.	Open Date:	Closing Date:
LRL-2020-00552-GJD	13 November 2020	14 December 2020

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Please address all comments and inquiries to:  
ATTN: Mr. George DeLancey, CELRL-RD-MCE  
P.O. Box 489  
Newburgh, Indiana 47629

Phone: (812) 842-2807

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

**APPLICANT:** Mr. Ronald Kolb  
Hurricane Marina, LLC.  
Post Office Box 1652  
Owensboro, Kentucky 42302

**LOCATION:** Ohio River Mile 760.5, left descending bank, Owensboro, Daviess County, Kentucky.  
Latitude: 37-48-55.03  
Longitude: -87-9-7.31

**PURPOSE:** To construct commercial recreational dock.

**DESCRIPTION OF WORK:** On August 13, 2020, this office completed a site inspection after being made aware of alleged unauthorized construction activities at the above referenced location. The applicant, on or about July 2020, constructed and subsequently has operated a recreational boat docking facility without proper DA authorization. On September 3, 2020, a Cease and Desist Order was issued to the applicant for the unauthorized activity.

The applicant is requesting after the fact authorization for the construction and operation of a recreational boat docking facility at the above referenced location.

The Hurricane Marina project includes a 115' floating walkway from the left descending bank to a 20'x40' deck barge which includes a small office/storage structure. The deck barge is anchored by two 10" square tube spuds. From the deck barge the marina is proposed to stretch along the main dock 200' upstream and 300' downstream utilizing mostly 8'x30' sections of decking. Off these upstream and downstream docks, finger docks extended landward to create slips. The downstream dock would include 8 finger docks. Off the upstream main dock, 5 finger docks would be maintained. The finger docks would be anchored with 4" pipe spuds. On the riverward side of the main dock, boats would be allowed to moor parallel to the dock.

The Marina is located about 150' downstream of the Little Hurricane Island Boat Ramp. The Marina is powered by 200 Amp service with a power cable run below the floating walkway to the main dock.

Below the ordinary highwater mark (OHW), 368.5 Ohio River Datum (ORD), the floating

walkway is accessed by a gravel walkway. The gravel walkway would measure approximately 80'x8'x4", requiring approximately 211 cubic yards of fill below the OHW.

At Normal Pool, 350' ORD, the maximum riverward projection of the dock facility without a boat moored to the riverward side of the main dock would be about 160'.

**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 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, pre-Columbian, 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 George DeLancey, CELRL-RD-MCE at the address noted above and should refer to the Public Notice Number LRL-2020-00552-GJD.

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-2020-00552-mlk.

Example: Subject: LRL-2020-00552-gjd

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

# Hurricane Marina

Location ORM 760.5 LDB

## Legend

-  Feature 1
-  Hurricane Marina location

Hurricane Marina location

Lower River Rd

Hurricane Island Rd

Griffith Station Rd

331

County Rd 540 S

Rinaldo Rd

River Rd

Google Earth

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4000 ft

