

Public Notice

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

Public Notice No.
LRL-2021-196-cat

Open Date:
15 June 2021

Closing Date:
15 July 2021

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

Phone: 502-315-6690

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: Eagle Hollow Marine Construction
2765 East IN-56
Madison, Indiana 47250

AGENT: Mr. John Ruter
3748 Ridge Dale Drive
Cincinnati, Ohio 45247

LOCATION: The proposed dredging project would be located within Craigs Creek approximately 1.3 miles upstream of the confluence of Craigs Creek and the Ohio River (Ohio River Mile 530) in Gallatin County, Kentucky (Lat. 38.759958, Long. -84.921368).

The proposed discharge location would be the Ohio River at Ohio River Mile 529 - 529.5 in Gallatin County, Kentucky (Lat. 38.778702, Long. -84.924108).

Latitude: 38.761128
Longitude: -84.922946
7.5 Minute Quad: Florence, IN/KY

PURPOSE: To conduct dredging in order to improve navigation for recreational vessels within Craigs Creek.

DESCRIPTION OF WORK: The applicant has proposed to remove 5,500 cubic yards of sediment from Craigs Creek via a barge mounted excavator in order to maintain 5 feet of water depth for recreational vessel navigation. The dredged material would be placed in a 60 cubic yard hydraulic hopper mounted on a barge without dewatering the material. The dredged material would be dispersed into the Ohio River as a sediment/water slurry between Ohio River Mile (ORM) 529 and 529.5. The dredged material would be discharged into the Ohio River via a controlled release from the hydraulic hopper at a rate of 0.4 cubic yards of material per foot of

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upstream travel. The proposed project would require approximately 92 discharge events to dispose of the 5,500 cubic yards of dredged material. The agent estimated a maximum of 5 discharge events per day when dredging is taking place, with a maximum daily discharge of 300 cubic yard of sediment/water slurry.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The proposed project was designed to avoid and minimize impact to waters of the U.S. to the greatest extent practicable. The applicant has not proposed mitigation for this activity.

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

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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-2021-196-cat.

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-2021-196-cat.

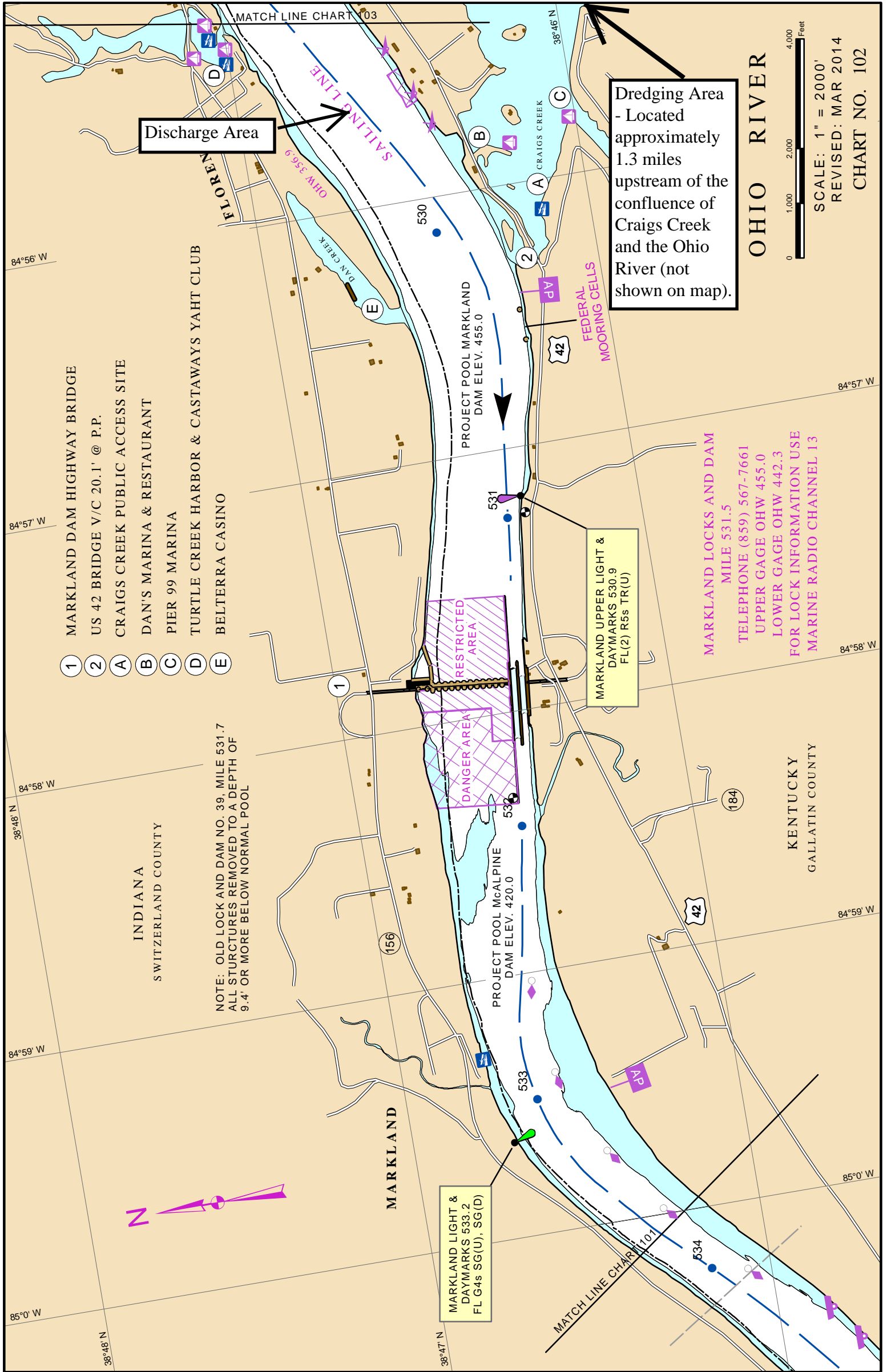
Example:

Subject: LRL-2021-196-cat

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.



Discharge Area

Dredging Area
- Located
approximately
1.3 miles
upstream of the
confluence of
Craigs Creek
and the Ohio
River (not
shown on map).

OHIO RIVER



SCALE: 1" = 2000'
REVISED: MAR 2014

CHART NO. 102

- 1 MARKLAND DAM HIGHWAY BRIDGE
- 2 US 42 BRIDGE V/C 20.1' @ P.P.
- A CRAIGS CREEK PUBLIC ACCESS SITE
- B DAN'S MARINA & RESTAURANT
- C PIER 99 MARINA
- D TURTLE CREEK HARBOR & CASTAWAYS YAHT CLUB
- E BELTERRA CASINO

NOTE: OLD LOCK AND DAM NO. 39, MILE 531.7
ALL STURCTURES REMOVED TO A DEPTH OF
9.4' OR MORE BELOW NORMAL POOL

MARKLAND LOCKS AND DAM
MILE 531.5
TELEPHONE (859) 567-7661
UPPER GAGE OHW 455.0
LOWER GAGE OHW 442.3
FOR LOCK INFORMATION USE
MARINE RADIO CHANNEL 13

MARKLAND LIGHT &
DAYMARKS 533.2
FL G4s SG(U), SG(D)

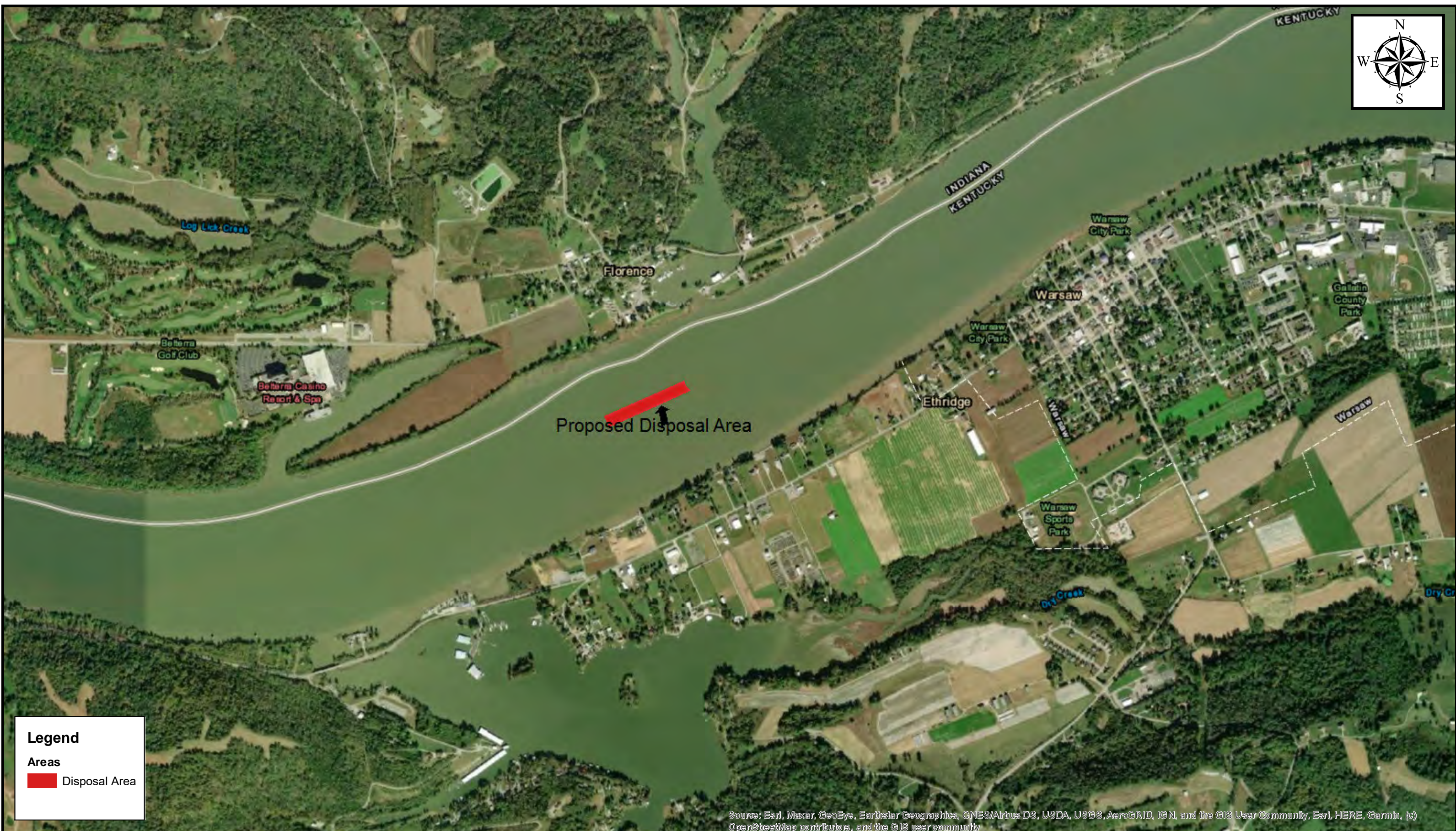
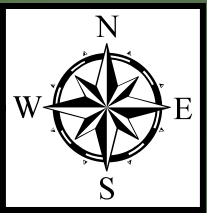
MARKLAND UPPER LIGHT &
DAYMARKS 530.9
FL(2) R5s TR(U)

FEDERAL
MOORING CELLS

MARKLAND

INDIANA
SWITZERLAND COUNTY

KENTUCKY
GALLATIN COUNTY



Legend

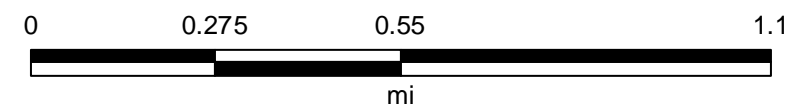
Areas

 Disposal Area

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



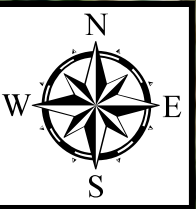
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Map Center: -84.9192 38.7789


Map created by US Army Corps of Engineers, Louisville District on 5/17/2021 at 1:49:12 PM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Legend

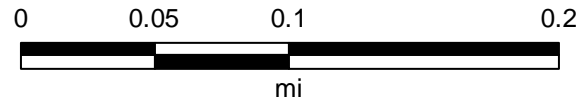
Areas

 Dredging Area

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



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Map Center: -84.9207 38.7601

Map created by US Army Corps of Engineers, Louisville District on 5/17/2021 at 1:38:44 PM
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere