



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

Public Notice

Public Notice Nos.
LRL-2013-00085-pgj,
LRL-2014-00867,
LRL-2016-00051

Open Date:
14 Mar 2019

Close Date:
15 Apr 2019

Inquiries:

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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.

SPONSOR: 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 ephemeral and intermittent streams, on Kennedy Creek (a perennial stream), and on surrounding riparian habitat, located within three parcels (totaling 1,499 acres) in Mason County, Kentucky

Latitude: 38.62118 N
Longitude: - 83.737878 W
7.5 Minute Quad: Orangeburg, Maysville East

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

DESCRIPTION OF WORK: The Sleepy Hollow Stream Restoration Project Tracts 1-3 includes three parcels with the following assigned I.D.s: LRL-2013-85 (876 acres), LRL-2014-867 (501 acres), and LRL-2016-51(122 acres). The project would include approximately 12,458 linear feet of rehabilitation, approximately 30,685 of enhancement and approximately 89,498 linear feet of preservation of ephemeral, intermittent and perennial streams. The project would also restore and preserve adjacent riparian habitat. The unnamed ephemeral and intermittent streams are tributary to Kennedy Creek or Sleepy Hollow, which are perennial streams. Kennedy Creek and Sleepy Hollow are tributaries to the Ohio River, a Traditionally Navigable River (TNW).

The Corps has determined that “no historic property would be affected” by the proposed undertaking. In a letter dated March 8, 2017, the Kentucky State Historic Preservation Officer concurred with the Corps’ determination; therefore, 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 has determination that the project “may affect, not likely to adversely affect” three federally-listed taxa. In a letter dated February 3, 2015, the 2018, the U.S. Fish and Wildlife Service concurred with the Corps’ determination. Based on additional information submitted by NKU-CER, the Corps modified the determination of effect for two taxa, the Indiana (*Myotis sodalis*) and the northern long-eared (*Myotis septentrionalis*) bats. The revised determination of “may affect, likely to adversely affect without jeopardy” was based on the need to remove trees during between April 1 and October 14. NKU-CER has contributed funds to the Kentucky Natural Lands Trust for the Imperiled Bat Conservation Fund. Thus, the project adheres 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*. Therefore, in accordance with the U.S. Fish and Wildlife Service letter, dated July 20, 2017, the obligations under Section 7 of the Endangered Species Act have been fulfilled for this proposal.

The Public Notice and drawings are available on Louisville District’s Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>.

Sleepy Hollow Steam Restoration Project

Tract 1: LRL-2013-85, Tract 2: LRL-2014-867, Tract 3: LRL-2016-51

