



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

Public Notice

Public Notice No.
LRL-2018-642-cat

Date:
9 Aug 2018

Closing Date:
10 Sep 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Cody Thayer, CELRL-RDS
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 and Harbors Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: Drew Company Investments, LLC
8571 State Road 46
Brookville, Indiana 47012

LOCATION: The proposed project would be located on the right bank of the Ohio River at mile 477.5 at 4333 River Road in Cincinnati, Hamilton County, Ohio.

Latitude: 39.075215
Longitude: -84.622605
7.5 Minute Quad: Covington, KY

PURPOSE: To provide permanent mooring of a deck barge to house Drew's on the River floating restaurant.

DESCRIPTION OF WORK: The applicant proposes to permanently moor a 260 foot by 50 foot deck barge and place 2 structures, a 20 inch dolphin with 12 inch supports and a 20 inch spud pole, within the Ohio River at River Mile 477.5. An existing deadman and the proposed dolphin would be utilized for the mooring of the deck barge and the proposed spud pole would be utilized for stabilization of the deck barge. A steel pavilion would be erected on the deck barge to house a restaurant. Ingress and egress from the deck barge would be provided by a ramp approximately 5-6 feet wide and 60-70 feet long. The maximum riverward projection from the Ohio bank would be 70 feet.

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 Ohio 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 Ohio Environmental Protection Agency (OEPA).

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. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

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 listed properties in the project area. However, Anderson Ferry is located approximately 300 feet west of the project area and is a National Register-listed property. On the Kentucky side of the river, the Henry and Agnes Rolsen House is listed on the National Register and is located approximately 0.5 mile south of the project area. Any impacts on such properties will be evaluated and considered in making the final decision. With respect to other sites not currently listed on the Register, 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 public.

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

Regulatory Division
North Branch
Public Notice No. LRL-2018-642-cat

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.aspx>. 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-2018-642-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-2018-642-cat.

Example:

Subject: LRL-2018-642-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 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

KENTUCKY
BOONE COUNTY

RIVERSIDE

OHIO
HAMILTON COUNTY

KENTUCKY
KENTON COUNTY

BROMLEY

OHIO RIVER

CINCINNATI VHF-FM CHANNEL 20 REPEATER

DUE TO THE SURROUNDING TERRAIN IN THE CINCINNATI AREA, VESSELS APPROACHING OR NAVIGATING AROUND BENDS BETWEEN OHIO RIVER MILE 461 AND MILE 474 HAVE REPORTED EXPERIENCING DIFFICULTY WHEN ATTEMPTING TO COMMUNICATE VIA CH-13 WITH OTHER VESSELS THAT ARE OUTSIDE THEIR LINE OF SIGHT. IF UNABLE TO REACH INTENDED TRAFFIC ON CH-13, MARINERS MAY ALSO ATTEMPT COMMUNICATION VIA CH-20.

PROPOSED
PROJECT
LOCATION

- (A) DREWS ON THE RIVER
- (B) ENERFAB, INC.
- (C) MARATHON PETROLEUM CO.
- (D) MARATHON - ASHLAND OIL
- (E) KOSMOS CEMENT CO.
- (F) ASHLAND OIL, INC.
- (G) DESTINY YACHT CHARTERS / RIVERVIEW LANDING MARINA
- (I) RIVERSIDE PARK PUBLIC ACCESS
- (J) WESTWAY TERMINALS
- (K) WESTWAY FEED
- (L) KINDER MORGAN
- (M) HOLCIM
- (N) CONSOLIDATE GRAIN & BARGE CO.
- (O) PETER CREMER NORTH AMERICA
- (P) VILLA HILLS MARINA
- (Q) TRANS_MONTAIGE TERMINAL
- (R) RIVERDOGS MARINA / SOS MARINE + SALVAGE LLC
- (S) BP OIL CO.
- (T) LUDLOW - BROMLEY YACHT CLUB, INC.
- (U) CELEBRATION'S RIVERBOATS
- (V) AQUARIUS MARINE

SCOTTS LANDING
DAYMARKS 474.6
TR(U), TR(D)

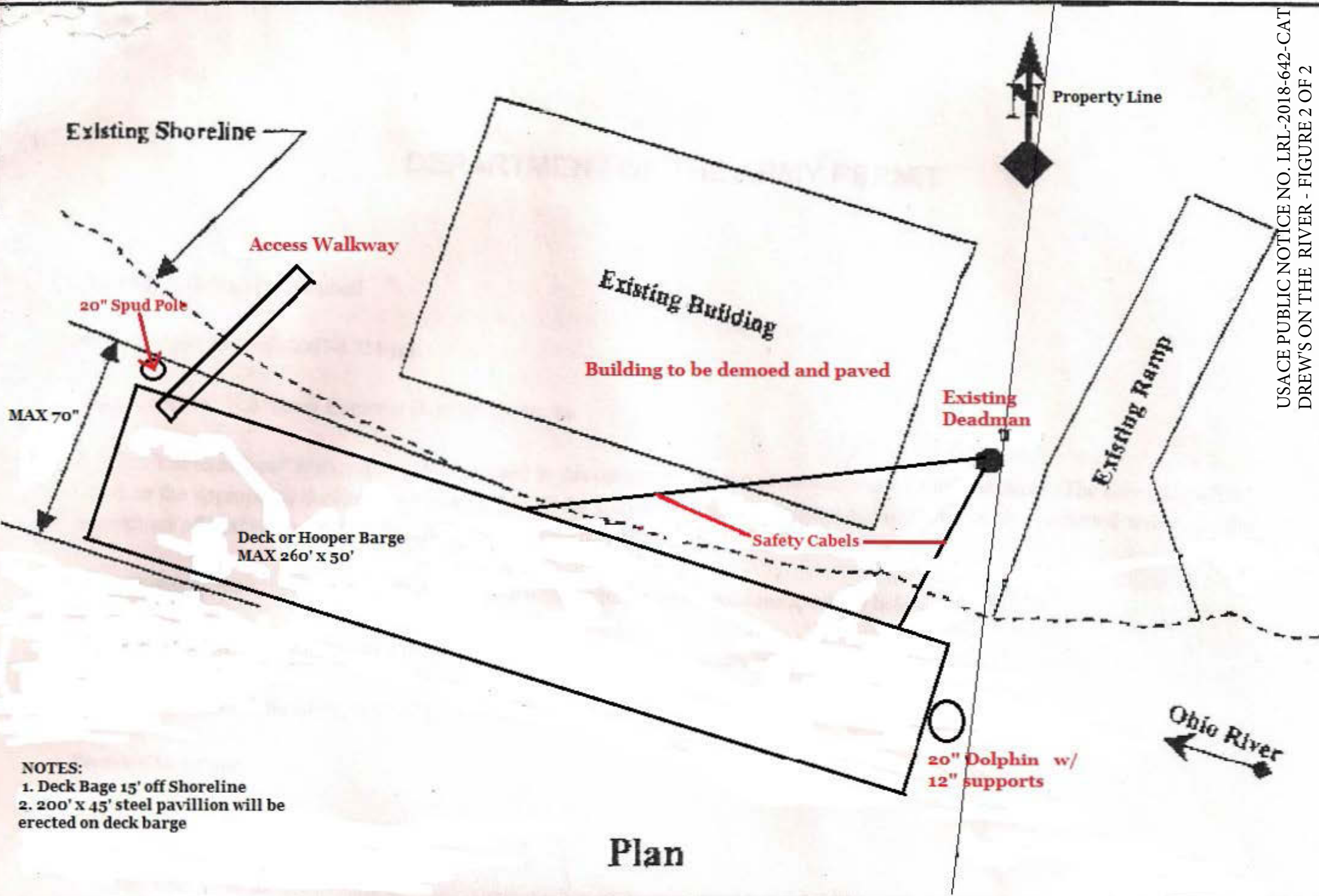
CINCINNATI REGULATED NAVIGATION AREA

WHENEVER THE GAUGE AT CINCINNATI REACHES 45 FEET OR GREATER, A REGULATED NAVIGATION AREA IS IN EFFECT IN THE CINCINNATI HARBOR FROM OHIO RIVER MILE 466.0 TO MILE 473.0. ENTRY INTO THIS ZONE BY ALL DOWNBOUND VESSELS TOWING CARGOES REGULATED BY TITLE 46 CFR SUBCHAPTER D AND O WITH A TOW LENGTH EXCEEDING 600 FEET, EXCLUDING TOWBOAT, ARE PROHIBITED FROM 1/2 HOUR BEFORE SUNSET TO 1/2 HOUR AFTER SUNRISE. IAW THE PROVISIONS OUTLINED IN TITLE 33 CFR 165.821, THE REGULATED NAVIGATION AREA REMAINS IN EFFECT UNTIL THE CINCINNATI GAUGE DROPS BELOW 45 FEET. ALL MARINERS ARE URGED TO USE CAUTION WHEN TRANSITING THIS AREA.

0 1,000 2,000 4,000
Feet

SCALE: 1" = 2000'
REVISED: MAR 2014

CHART NO. 114



- NOTES:
1. Deck Bage 15' off Shoreline
2. 200' x 45' steel pavillion will be erected on deck barge

Plan