



Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.	Date:	Closing Date:
199200465	27 Sep 05	26 Oct 05

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Greg McKay, CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6685

This notice announces a request for a permit modification to Department of the Army (DA) Permit No. 199200465. This request is subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Louisville Waterfront Development Corporation
 129 East River Road
 Louisville, Kentucky 40202

LOCATION: Left bank of the Ohio River between Mile 602.0 and
 603.7, in Louisville, Jefferson County, Kentucky

Latitude: 038-15-36.95
Longitude: 085-44-59.42
7.5 Minute Quads: New Albany and Jeffersonville, IND-KY

PURPOSE: Modification of plans to construct River Park Place,
 formerly known as Falls Harbor Development.

BACKGROUND: On March 30, 1995, the subject DA permit was issued which authorized construction of the Louisville Waterfront Master Plan, including the Falls Harbor Development. The applicant's original Falls Harbor Development plan included enlarging the existing municipal harbor by excavating 45,000 cubic yards of material to accommodate 425 boat docks. A mixed use residential area, with 600 residential units, was proposed in 11 buildings. In addition, the plan included a restaurant complex, an overlook of Beargrass Creek, a boat ramp, and a promenade riverwalk. Various components of the Master Plan have been constructed between Mile 603.0 and 603.7. A 10-year permit extension was granted on June 17, 2005, for the original proposal.

DESCRIPTION OF WORK: The current plan to construct River Park Place would include the dredging of between 135,000 and 145,000 cubic yards of material to expand the existing marina. The excavated area for the marina would be between 200,000 and 240,000 square feet (4.6 - 5.5 acres). The dredged material would be utilized on-site in upland areas as fill material beneath the parking level. In addition, an elevated platform for roads and buildings would be constructed at an elevation of 452.0 feet. The elevated platform would allow the lowest occupied level to be above the 452-foot elevation of the 100-year floodplain. The proposed dock configuration would accommodate an estimated 225 boats. The new docks would primarily be private, but a limited number of docks would be public. The existing breakwater would be removed. An estimated 2,200 linear feet of new steel sheet piling would be installed along the edge of the newly excavated marina. A 300-foot long floating dock would be constructed at the upstream end of Towhead Island, leaving a 295-foot

wide opening to the river channel. A boat ramp would be constructed on Beargrass Creek. The project area includes a riverwalk that would link to existing segments of the riverwalk. The existing wetland areas adjacent to Beargrass Creek would be preserved for passive recreation.

The first phase of the residential component of the project would include construction of 260-300 apartments and condominiums in blocks B2-B5 (Sheet 2-Site Study). Additional residential units would be included in the two 16-story buildings located in blocks A3 and A4 (Sheet 2-Site Study). The total for all currently proposed residential units is 430-480 units. Lower levels of blocks A3 and A4 may include restaurants and other amenities. Plans for future blocks have not been developed, but would likely include additional residential units, restaurants, or other amenities compatible with the current proposed uses.

REVIEW PROCEDURES: A DA Permit modification cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit modification, 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, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection 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. 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 permit modification. A request for a public hearing must state the specific interest which might be damaged by issuance of the permit modification.

The National Register of Historic Places has been examined and it has been determined that there are properties currently listed on the Register that would be directly affected by the proposed undertaking. There are also known archaeological sites that may be eligible for inclusion in the National Register that would be directly affected. Any impacts on listed and eligible properties will be evaluated and considered in making the final decision. As part of the original permitting process, cultural resource investigations were conducted and a Memorandum of Agreement (MOA) was executed. Consultation will be reinitiated for this permit action and the MOA will be revisited. 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), and as stipulated in the MOA.

The decision whether to issue a permit modification 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. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit modification 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 permit modification.

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> under "Permits & Public Notices". All comments regarding this proposal should be addressed to Mr. Greg McKay; CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 199200465.