

Public Notice

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

Public Notice Nos.
LRL-2020-00325

Open Date:
02 July 2021

Close Date:
01 August 2021

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Todd E. Hagman, CELRL-RDE, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6683

This notice announces a proposal to develop an umbrella mitigation bank, including two mitigation bank sites, submitted in accordance with the “Compensatory Mitigation for Losses of Aquatic Resources” (Mitigation Rule)(CFR Vol. 73 No. 70, p 19670-19705 (33 U.S.C. 401 *et seq.*; 33 U.S.C. 1344; and Pub. L. 108-136), as published in the federal register on April 10, 2008:

SPONSOR: Sanitation District No. 1 of Northern Kentucky
1045 Eaton Drive
Ft. Wright, Kentucky 41017

AGENT: Sustainable Streams, LLC
1948 Deer Park Ave.
Louisville, KY 40205

LOCATION: Dry Creek Mitigation Site: Ephemeral, intermittent and perennial streams on an approximately 470-acre site located on Amsterdam Road, near the Villa Hills, Kenton County, Kentucky.

Latitude: 39.0494 W
Longitude: 84.6083 N
7.5 Minute Quad: Covington

PURPOSE: To develop an umbrella mitigation banking instrument that would operate within the Commonwealth of Kentucky, providing stream and wetland mitigation credits within Service Area 6 of the Resource-based, Predefined Service Areas.

DESCRIPTION: The Sponsor proposes to develop the SD1-Northern Kentucky Stream and Wetland Umbrella Mitigation Bank Banking Instrument (UMBI) which would provide stream and wetland mitigation credits within the Louisville District’s regulatory boundaries within the Commonwealth of Kentucky. This proposal includes one service area, Service Area 6 of the Resource-based, Predefined Service Areas and one mitigation site: the Dry Creek Stream Restoration Project. Additional service areas and mitigation sites may be proposed at future dates. Should this occur, additional public notice(s) would be issued.

The SD1-Northern Kentucky Stream and Wetland Umbrella Mitigation Bank, in concert with the

mitigation project, would be developed to generate stream and/or wetland mitigation credits that could be made available for sale to compensate for impacts associated with the discharge of dredged or fill material into “waters of the United States (U.S.)” resulting from projects within the approved service area. The Sponsor has submitted a prospectus consistent with the Mitigation Rule. The prospectus may be reviewed in full by contacting the Corps; additionally, a summary of the mitigation site is detailed below. Any discharge of fill into “waters of the U.S.” associated with the mitigation projects would be reviewed under separate procedures.

The Dry Creek Stream Restoration Project: Dry Creek-Ohio River 12-Digit HUC is 050902030202. Dry Creek is a direct tributary of the Ohio River. The project area consists of 11 parcels that total approximately 470 acres. SD1 owns 2 parcels and the remaining parcels would be protected by a conservation easement. The mitigation plan currently proposes re-establishment, rehabilitation and enhancement activities on the streams. Approximately 13,522 linear feet (LF) of ephemeral, 11,943 LF of intermittent and 9,507 LF of perennial streams are on site. The project would include implementation of storm water management practices and instream restoration to lift the flow class designation of ephemeral streams into intermittent or perennial streams. The reestablishment, rehabilitation, and enhancement activities proposed would result in a net ecological lift of approximately 45,080 Adjusted Mitigation Units (AMUs). The hydrologic restoration would result in geomorphic equilibrium. The project would require the discharge of clean fill material into the “waters of the U.S.,” including earthen material, wood, and rock of various sizes for the construction of in-stream habitat, and grade control structures.

Mitigation Plan: This public notice announces the development of a prospectus for the SD1-Northern Kentucky Stream and Wetland Umbrella Mitigation Bank, including one mitigation site. Consistent with the Mitigation Rule, mitigation plans for each site will not be developed until the UMBI is drafted, which is at a later phase of the mitigation bank approval process. Therefore, no mitigation plans are available for review at this time.

PUBLIC REVIEW AND COMMENT: 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 this proposal. It is presumed that all interested parties and agencies will respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposal.

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 for this proposal. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to approve the Stream Mitigation Bank.

Information pertaining to this proposal 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 Todd E. Hagman, CELRL-RDE at the address noted above and should refer to the public notice numbers LRL-2020-00325.

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 Nos. LRL-2020-00325.

Example:

Subject: LRL-2020-00325

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.

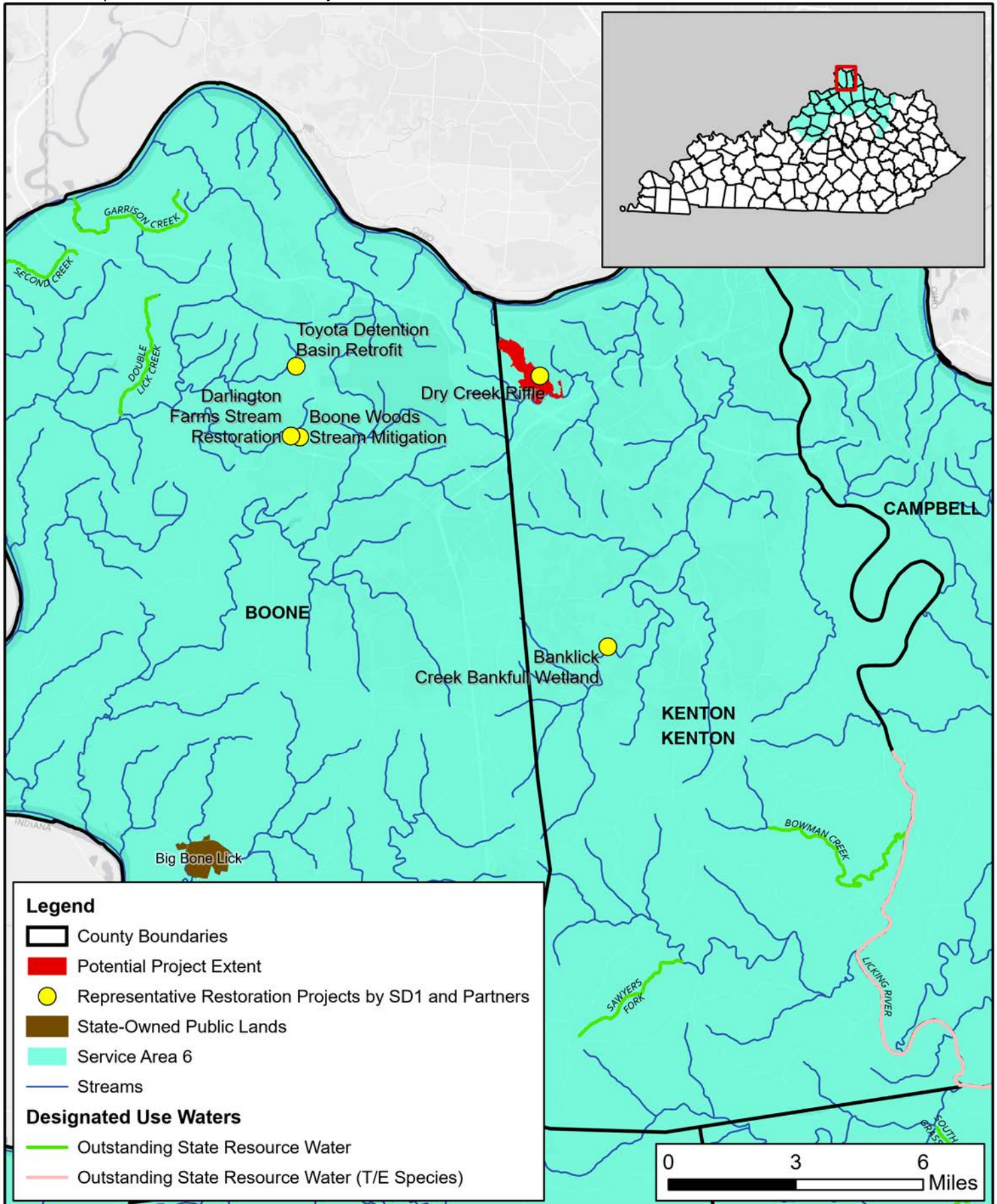


FIGURE B.6

PROXIMITY TO PUBLIC LANDS, SPECIAL USE WATERS, AND OTHER SITES

SD1-NORTHERN KENTUCKY STREAM AND WETLAND UMBRELLA MITIGATION BANK PROSPECTUS
 SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY



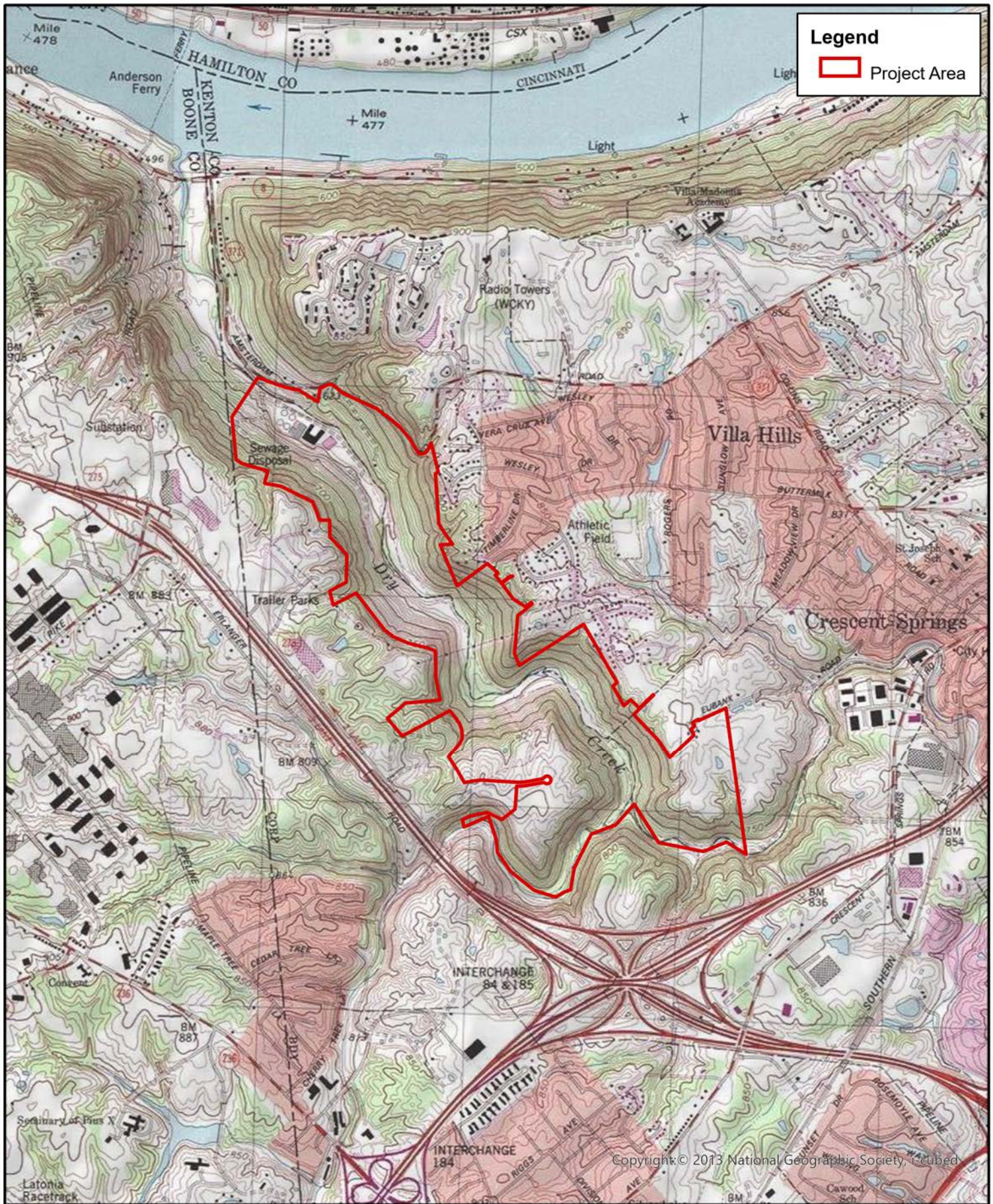
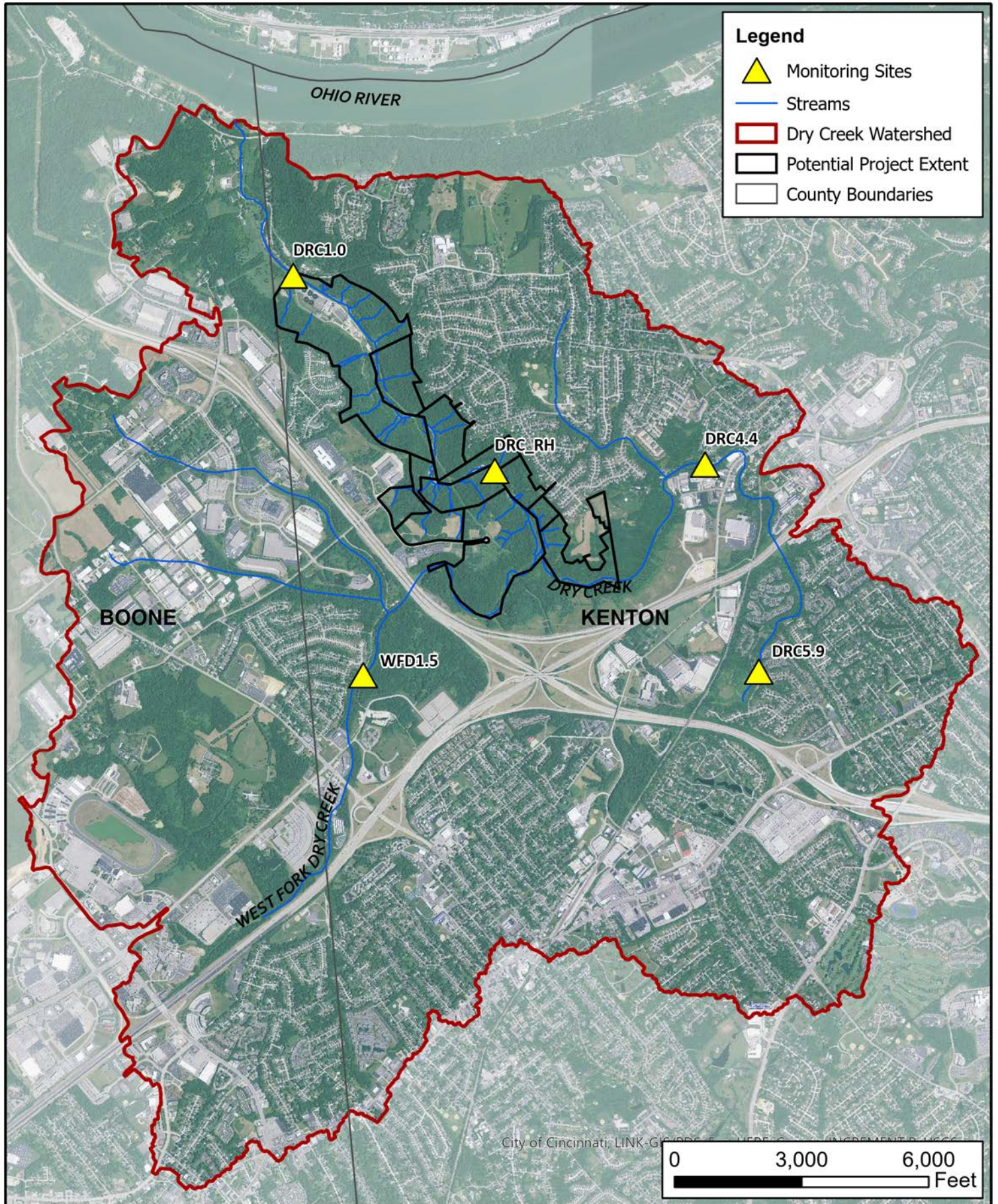


FIGURE 1
PROJECT LOCATION MAP
JURISDICTIONAL WATERS DETERMINATION
DRY CREEK STREAM MITIGATION PROJECT (LRL-2020-325)

0 1,000 2,000 Feet

N

Sustainable Streams LLC



**MONITORING SITE LOCATIONS
DRY CREEK WATERSHED**

SD1-NORTHERN KENTUCKY STREAM AND WETLAND UMBRELLA MITIGATION BANK PROSPECTUS
SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY



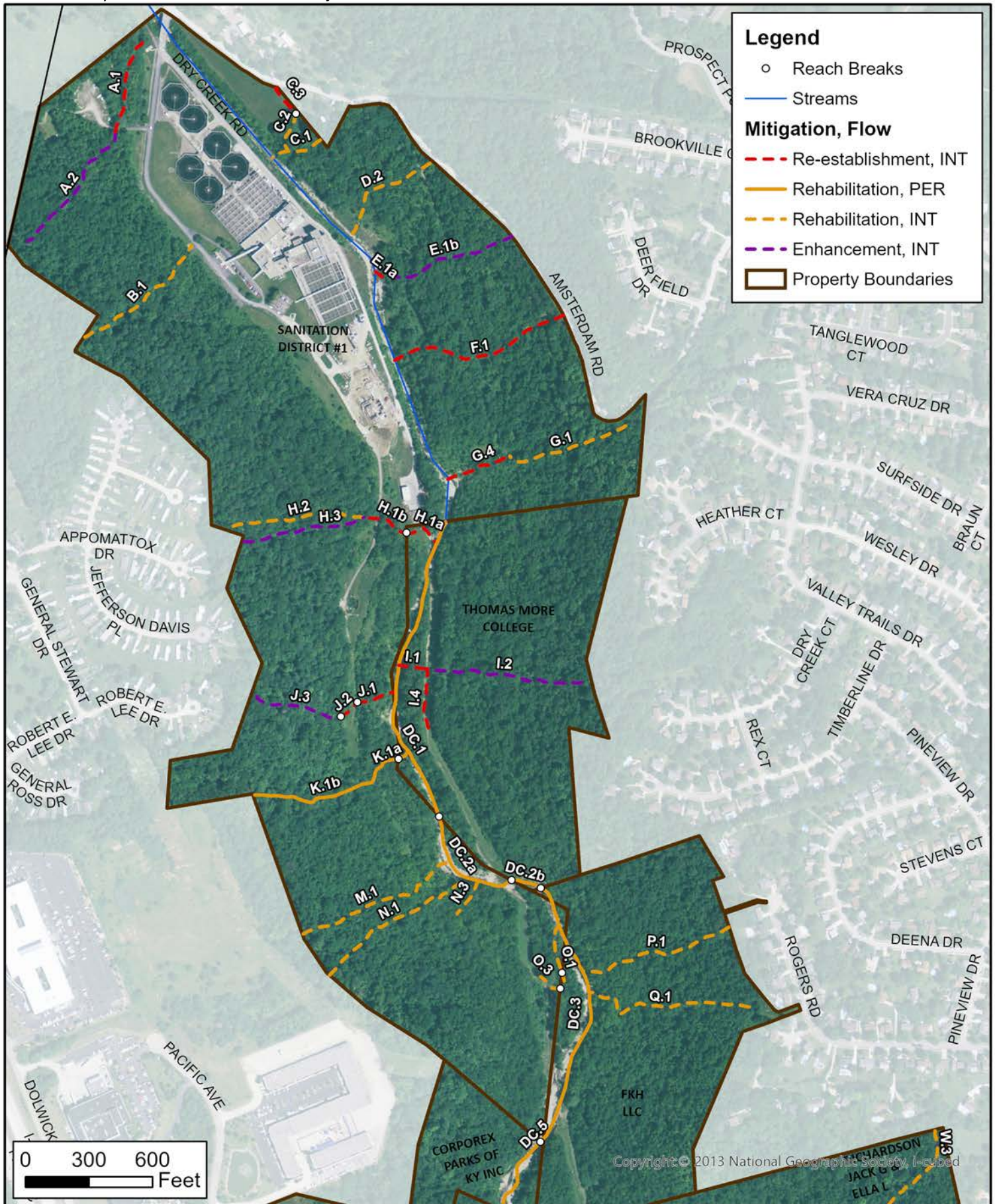


FIGURE B.1
PROPOSED CONDITIONS MAP - AERIAL

SD1-NORTHERN KENTUCKY STREAM AND WETLAND UMBRELLA MITIGATION BANK PROSPECTUS
 SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY



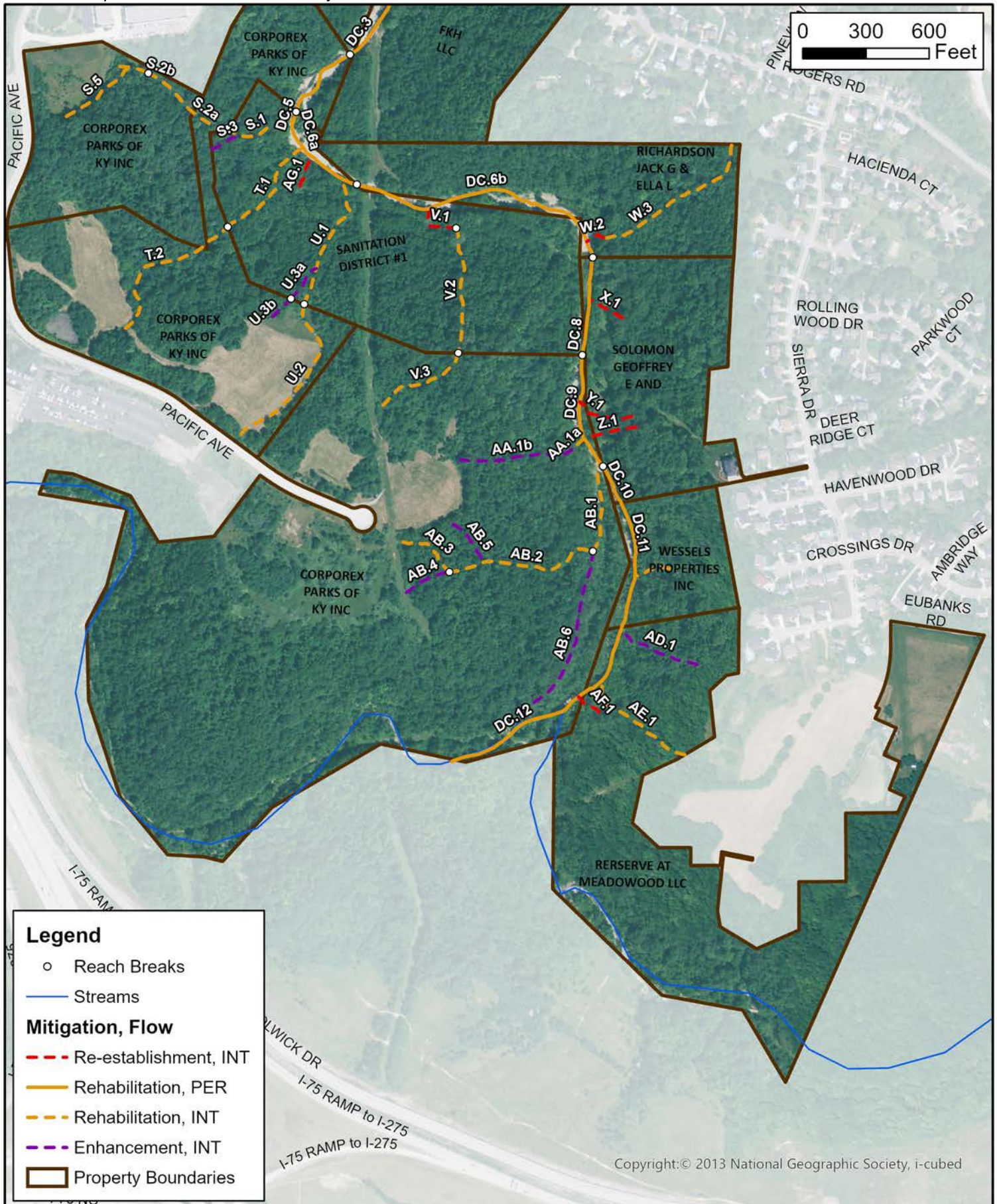


FIGURE B.2
PROPOSED CONDITIONS MAP - AERIAL

SD1-NORTHERN KENTUCKY STREAM AND WETLAND UMBRELLA MITIGATION BANK PROSPECTUS
 SANITATION DISTRICT NO. 1 OF NORTHERN KENTUCKY

