



Public Notice

Public Notice No. 83-LD-016

Date: 28-Jul-89 Closing Date:

**US Army Corps
of Engineers**
Louisville District

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: CELRL-OP-F
P.O. Box 59
Louisville, Kentucky 40201-0059
Phone: (502) 582-6461

PUBLIC NOTICE

LIMITS OF JURISDICTION

TO WHOM IT MAY CONCERN:

The purpose of this notice is to list those waters within Louisville District which are subject to the Corps of Engineers jurisdiction under Section 10 of the rivers and harbors Act of 1899 (33 U.S.C. 403).

In other words, anyone intending to perform work in the immediate vicinity of the waters listed below must first receive a permit from this office. The regulations establishing procedures for processing applications for such permits were published in the Federal Register on 22 July 1982 (33 C.F.R. 320 through 330).

Routine permit applications take about sixty days to process. More complicated or controversial applications may take considerably longer. Therefore, potential applicants should contact the Louisville District office at the above address well in advance of the date they intend to begin work.

One further very important point must be noted: the Corps of Engineers also has regulatory responsibilities under Section 404 of the Clean Water Act (33 U.S.C. 1344). That law requires a permit only for the discharge of dredged or fill material below the Ordinary High Water elevation of a waterway. However, the area of our jurisdiction under this Act is much more extensive than that under the 1899 Act. In fact, it extends to all waters of the United States. For this reason, and since many types of work under both sections of law have been authorized by nationwide and regional general permits, we strongly suggest that anyone proposing any work in any water contact this office.

The only work within navigable waters not normally requiring a permit from the Corps of Engineers is the construction of bridges, causeways, and aerial pipeline crossings. Such facilities are under the jurisdiction of the Department of Transportation. Further information on the requirements for permits for such activities may be obtained from the Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri, 63103. However, if any of the work requires the discharge of dredged or fill material into the waterbody, an authorization is still required from the Corps of Engineers.

Fees:

Fees are required for permit applications under Section 404 of the Clean Water Act and Section 9 and 10 of the Rivers and Harbors Act of 1899. A fee of \$100.00 will be charged when the planned or ultimate purpose of the project is commercial or industrial in nature and is in support of operations that charge for the production, distribution, or sale of goods or services. A \$10.00 fee will be charged for permit applications when the work is non-commercial in nature and provides personal benefits that have no

connection with a commercial enterprise. The final decision as to basis for fee (commercial vs. non-commercial) shall be solely the responsibility of the District Engineer. No fee will be charged if the applicant withdraws the application at any time prior to issuance of the permit and/or if the application is denied. Collection of the fee is deferred until the applicant is notified by the District Engineer that a public interest review has been completed and that the proposed activity has been determined to be in the public interest. Any modification significant enough to require a public notice will also require a fee. No fee will be assessed when a permit is transferred from one property owner to another. No fees will be charged for time extensions or general permits.

Unauthorized Work:

All work performed without the required Department of the Army Permit will be immediately investigated and evaluated. Based on results of the investigation, the case may be forwarded to the appropriate U.S. Attorney or higher Corps of Engineers authority recommending that appropriate civil or criminal action be taken. Applications for approval of unauthorized work will not be accepted until litigation has been completed, or until a determination has been made that prosecution is not warranted.

Disposal of Refuse:

The Corps of Engineers is also responsible for enforcement of Section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. 407). This section of the law prohibits placing, or causing to be placed, into navigable waters, or in a location or manner as to be liable to be washed into navigable waters, anything which might become a hazard to navigation or anchorage. It should be noted that no permits are issued for this type of activity. Violations of this section of law will be reported to the Department of Justice for appropriate action.

The Louisville District Corps of Engineers is presently engaged in determining the extent of the jurisdiction to be exercised over those "Navigable Waters of the United States" located within this District. This review and determination is being made in accordance with Part 329 of Corps of Engineers' regulations as published in the July 22, 1982 Federal Register, Part II, Volume 47, No. 141, pp. 31828 - 31831. Until this review and determination has been completed and approved by the Chief of Engineers as provided by this regulation, the following list of streams and waterbodies within the Louisville District Boundaries are considered navigable waters of the United States to the jurisdictional limits shown. The Limits of Jurisdiction shown below supersede the limits designated by all previous Public Notices published by this District addressing the topic of jurisdiction. Changes and/or additions to this list, or to the jurisdictional limits shown, will be made as our review progresses. **All activity as described above and within the jurisdictional limits set forth below will require a permit.**

OHIO RIVER AND TRIBUTARIES

<u>OHIO RIVER MILE</u>	<u>STREAM</u>	<u>JURISDICTION ABOVE MOUTH</u>
	Ohio River (Mouth to Foster, Kentucky)	543.0 miles
451.3	Twelve Mile Creek (Ohio)	1.3 miles
461.4	Twelve Mile Creek (Kentucky)	0.8 miles
461.2	Four Mile Creek	2.5 miles
463.5	Little Miami River (See Suppl List Below)	90.7 miles
470.2	Licking River (See Suppl List Below)	226.0 miles
472.5	Mill Creek	3.8 miles
477.5	Dry Creek	0.3 miles
484.0	Muddy Creek	2.1 miles
488.2	Sand Run	1.2 miles
490.6	Garrison Creek	0.6 miles
491.0	Great Miami River	117.0 miles
493.3	Second Creek	0.4 miles
493.5	Taylor Creek	0.6 miles
494.2	Tanners Creek	10.6 miles
495.8	Wilson Creek	1.9 miles
496.7	Hogan Creek	0.4 miles
	North Hogan Creek (Tributary to Hogan Creek)	4.9 miles
	South Hogan Creek (Tributary to Hogan Creek)	5.0 miles
498.7	Laughery Creek	10.2 miles
499.8	Woolper Creek	3.4 miles
501.4	Island Branch	1.0 miles
502.5	Willoughby Creek	0.4 miles
504.0	Buck Run	1.1 miles
504.5	Middle Creek	1.4 miles
508.7	Arnold Creek	4.4 miles
508.8	Grant Creek	2.5 miles
512.0	Lick Creek	1.1 miles
513.6	Gunpowder Creek	4.6 miles
514.6	Landing Creek	0.7 miles
516.7	Big Bone Creek	4.2 miles
	Big South Fork (Tributary to Big Bone Creek)	1.4 miles
	Mud Lick Creek (Tributary to Big Bone Creek)	1.1 miles
518.2	Goose Creek	1.5 miles
518.5	Steeles Creek	0.5 miles
518.7	Wades Creek	0.6 miles

521.3	Paint Lick Creek	1.4 miles
522.7	Little Sugar Creek	0.9 miles
522.8	Big Sugar Creek	0.6 miles
527.0	Bryant Creek	2.6 miles
	Sand Run (Tributary to Bryant Creek)	0.9 miles
529.0	Turtle Creek	1.3 miles
529.9	Craigs Creek	4.6 miles
	Dry Creek (Tributary to Craigs Creek)	1.2 miles
	Vera Cruz Branch (Tributary to Craigs Creek)	0.6 miles
532.9	Log Lick Creek	2.3 miles
535.8	Plumb Creek	2.9 miles
540.0	Indiana Creek	4.1 miles
545.8	Kentucky River (See Suppl List Below)	254.7 miles
546.6	Little Kentucky River	4.3 miles
549.5	Locust Creek	0.7 miles
550.4	Indian Kentuck Creek	3.8 miles
569.3	Big Saluda Creek	1.0 miles
571.0	Corn Creek	1.4 miles
573.0	Bear Bone Creek	0.7 miles
576.3	Pattons Creek	0.7 miles
578.3	Camp Creek	1.7 miles
580.8	Eighteen Mile Creek	0.9 miles
584.5	Bull Creek	1.1 miles
589.3	Fourteen Mile Creek	2.9 miles
596.0	Harrods Creek	1.3 miles
597.0	Goose Creek	1.1 miles
	Little Goose Creek (Tributary of Goose Creek)	0.5 miles
597.7	Lancassange Creek	0.3 miles
602.0	Beargrass Creek	0.8 miles
606.8	Silver Creek	3.0 miles
629.0	Salt River (See Suppl List Below)	26.4 miles
633.3	Abrahams Run	1.2 miles
634.5	Mosquito Creek	2.8 miles
636.4	Otter Creek	2.7 miles
642.25	Doe Run	1.5 miles
647.3	Buck Creek	5.8 miles
651.4	French Creek	2.4 miles
657.0	Indian Creek	4.8 miles
661.3	Potato Run	0.4 miles

662.9	Blue River	57.15 miles
	Dry Creek (Tributary of Blue River)	1.4 miles
676.8	Wolf Creek	3.9 miles
678.6	Little Blue River	10.6 miles
	Mill Creek (Tributary of Little Blue River)	1.4 miles
686.1	Watson Run	1.0 miles
686.6	Spring Creek	1.9 miles
691.7	Oil Creek	10.6 miles
	Clover Lick Creek (Tributary of Oil Creek)	0.7 miles
	Little Oil Creek (Tributary of Oil Creek)	4.4 miles
	Webb Branch (Tributary of Oil Creek)	0.9 miles
	Bull Hollow (Tributary of Oil Creek)	0.7 miles
	Indian Fork (Tributary of Oil Creek)	1.4 miles
	Bald Knob Creek (Tributary of Oil Creek)	0.5 miles
692.4	Knob Creek	0.2 miles
695.5	Yellow Bank Creek	3.8 miles
696.6	Big Poison Creek	6.3 miles
	Caney Branch (Tributary of Big Poison Creek)	0.2 miles
	Little Poison Creek (Tributary of Big Poison Creek)	1.2 miles
698.75	Lick Run	2.2 miles
700.8	Sinking Creek	7.6 miles
	Helm Branch (Tributary of Sinking Creek)	0.8 miles
	Shot Pouch Creek (Tributary of Sinking Creek)	2.4 miles
703.25	Bear Creek	1.6 miles
703.9	Kennys Creek	0.8 miles
704.2	Buck Creek	0.7 miles
705.1	Kingly Creek	0.2 miles
705.5	Pates Hollow	0.3 miles
706.1	Sample Run	0.2 miles
707.3	Town Creek	1.8 miles
707.6	Bull Creek	2.4 miles
709.0	Goehagan Creek	0.8 miles
710.9	Clover Creek	9.4 miles
	Tar Fork (Tributary of Clover Creek)	5.4 miles
	Locust Creek (Tributary of Clover Creek)	1.8 miles
	Caney Creek (Tributary of Clover Creek)	1.0 miles
	Beech Fork (Tributary of Clover Creek)	0.6 miles
712.3	Faucett Creek	0.7 miles

717.2	Millstone Creek	1.4 miles
	Kelly Hollow (Tributary of Millstone Creek)	1.0 miles
718.75	Deer Creek	5.9 miles
	Little Deer Creek (Tributary of Deer Creek)	3.9 miles
	Caney Branch (Tributary of Deer Creek)	0.8 miles
	Neglie Branch (Tributary of Deer Creek)	0.5 miles
	East Deer Creek (Tributary of Deer Creek)	0.6 miles
724.2	Lead Creek	3.8 miles
731.4	Anderson Creek	14.2 miles
	Middle Fork Anderson Creek (Tributary of Anderson Creek)	3.3 miles
733.2	Crooked Creek	7.7 miles
736.7	yellow Creek	2.6 miles
741.3	Little Sandy Creek	2.0 miles
742.0	Blackford Creek	6.0 miles
742.1	Sandy Creek	2.6 miles
744.25	Honey Creek	1.8 miles
746.8	Lake Drain	1.6 miles
750.7	Puppy Creek	4.3 miles
	Kelly Creek (Tributary of Puppy Creek)	2.0 miles
751.9	Yellow Creek	2.0 miles
	Van Bruen Creek (Tributary of Yellow Creek)	0.9 miles
759.4	Caney Creek	2.8 miles
760.5	Garret Creek	2.2 miles
763.2	Jackson Creek	1.8 miles
772.8	Little Pigeon Creek	15.8 miles
	Clear Creek (Tributary of Pigeon Creek)	2.4 miles
	Baker Creek (Tributary of Pigeon Creek)	1.8 miles
775.3	Cypress Creek (Diversion Channel)	6.6 miles
784.3	Green River (See Suppl List Below)	199.0 miles
793.0	Pigeon Creek	5.9 miles
	Locust Creek (Tributary of Pigeon Creek)	1.5 miles
806.8	Canoe Creek	7.3 miles
	Wilson Creek (Tributary of Canoe Creek)	1.6 miles
815.0	Bayou Creek	1.5 miles
828.9	McFadden Creek	2.3 miles
841.0	Highland Creek	8.3 miles
843.0	Lost Creek	1.2 miles
845.9	Harris Ditch	0.9 miles

	Little Pitcher Lake (Tributary of Harris Ditch)	1.2 miles
848.0	Wabash River (See Suppl List Below)	441.9 miles
867.3	Saline River	18.3 miles
	North Fork Saline River (Tributary to SalineRiver)	5.0 miles
868.7	Dennis O'Nan Ditch	3.4 miles
873.5	Tradewater River	20.4 miles
	Piney Creek (Tributary to Tradewater River)	0.9 miles
	Crab Orchard Creek (Tributary to TradewaterRiver)	1.7 miles
875.8	Camp Creek	1.1 miles
877.7	Honey Creek	2.2 miles
877.8	Crook Creek	2.2 miles
877.8	Anthony Creek	1.2 miles
886.2	Hurricane Creek	1.1 miles
	Caney Creek (Tributary to Hurricane Creek)	0.2 miles
886.4	Peters Creek	0.6 miles
887.8	Hosick Creek	1.0 miles
889.5	Big Creek	3.4 miles
893.0	Deer Creek	6.8 miles
893.6	Buck Creek	1.9 miles
895.8	Three Mile Creek	2.1 miles
897.8	Big Grand Pierre Creek	6.0 miles
	Little Grand Pierre Creek (Tributary to Big Grand Pierre Creek)	2.8 miles
901.9	Givens Creek	1.2 miles
902.3	Lusk Creek	8.5 miles
	Miller Creek (Tributary to Lusk Creek)	1.9 miles
903.6	McGilligan Creek	2.1 miles
910.0	Big Bay Creek	7.6 miles
910.8	Barren Creek	2.9 miles
914.8	Phelps Creek	1.4 miles
918.8	Dog Creek	4.7 miles
	Alcorn Creek (Tributary of Dog Creek)	1.3 miles
919.9	Dyer Hill Creek	2.7 miles
920.0	Dyer Hill Creek	1.0 miles
922.9	Cumberland River	2.1 miles *
934.5	Tennessee River	2.4 miles **
	Island Creek (Tributary of Tennessee River at Mile 1.2)	4.0 miles

939.4	Perkins Creek	1.9 miles
940.4	Sevenmile Creek	1.2 miles
941.9	Massac Creek (Illinois)	1.6 miles
942.7	Massac Creek (Kentucky)	2.7 miles
947.6	Bayou Creek	1.4 miles
953.2	Newtons Creek	1.3 miles
956.0	Redstone Creek	1.2 miles
957.8	Post Creek Cutoff	0.5 miles
967.7	Humphrey Creek	2.9 miles
	Clanton Creek (Tributary to Humphrey Creek)	.4 miles
971.8	Hess Bayou Creek	.8 miles
974.7	Cache River	.4 miles

***Cumberland River above this point under the jurisdiction of the Nashville District.**

****Tennessee River above this point under the jurisdiction of the Nashville District.**

KENTUCKY RIVER AND TRIBUTARIES

<u>KENTUCKY RIVERMILE</u>	<u>STREAM</u>	<u>JURISDICTIONABOVE MOUTH</u>
	Kentucky River (Mouth to Junction of North and South Forks, Kentucky River)	254.7 miles
190.3	Red River	5.5 miles
254.7	South Fork Kentucky River	4.0 miles
254.7	North Fork Kentucky River	6.4 miles
	Middle Fork Kentucky River (Tributary to North Fork Kentucky River)	4.7 miles

SALT RIVER AND TRIBUTARIES

<u>SALT RIVERMILE</u>	<u>STREAM</u>	<u>JURISDICTIONABOVE MOUTH</u>
	Salt River	26.4 miles
11.4	Rolling Fork	19.7 miles
25.5	Floyds Fork	0.1 miles

GREEN RIVER AND TRIBUTARIES

<u>GREEN RIVER MILE</u>	<u>STREAM</u>	<u>JURISDICTION ABOVE MOUTH</u>
	Green River (Mouth to Davis Island)	199.0 miles
55.0	Pond River	12.5 miles
71.3	Rough River	29.0 miles
108.6	Mud River	14.0 miles
149.5	Barren River	139.7 miles
	Gaspar River (Tributary to Barren River)	1.2 miles
	Drakes Creek (Tributary to Barren River)	23.5 miles
	Trammel Fork (Tributary to Drakes Creek)	14.7 miles
	West Fork Drakes Creek (Tributary to DrakesCreek)	1.1 miles
168.5	Bear Creek	11.0 miles
183.5	Nolin River	7.8 miles

WABASH RIVER AND TRIBUTARIES

<u>WABASH RIVER MILE</u>	<u>STREAM</u>	<u>JURISDICTION ABOVE MOUTH</u>
	Wabash River (Mouth to Wells-AdamsCounty Line)	441.9 miles
14.9	Little Wabash River	15.8 miles (Mouth to Louisville, IL)
	Skillet Fork (Tributary to Little Wabash River)	(Administratively selected at Helm, IL, Marion Co. Line)
95.6	White River	66.2 miles
	East Fork White River (Tributary to White River)	21.9 miles
122.0	Embarras River	168.0 miles (Mouth to Carmargo, IL)
257.5	Vermilion River	22.6 miles (Mouth to Danville, IL)
	Middle Fork Vermilion River (Tributary to Vermilion River)	3.5 miles (At the I-74 overpass)
405.9	Little River	20.2 miles (Mouth to the junction w/Ellison Road)

LICKING RIVER AND TRIBUTARY

<u>LICKING RIVER MILE</u>	<u>STREAM</u>	<u>JURISDICTION ABOVE MOUTH</u>
	Licking River (Mouth to West Liberty, Kentucky)	226.0 miles
51.7	South Fork Licking River	59.8 miles (Mouth to Bourbon-Harrison Co. KY Line)

LITTLE MIAMI RIVER AND TRIBUTARIES

<u>STREAM</u>	<u>JURISDICTION ABOVE MOUTH</u>	<u>LOCATION OF LIMIT</u>
Little Miami River	90.7 miles	S.R. 72 crossing in Clinton, Clark Co., Ohio
East Fork Little Miami River	6.4 miles	Bridge in Perintown, Clermont Co., Ohio

All embayments or backwater areas on all tributaries to streams listed above are considered navigable for administrative purposes. If anyone is now contemplating work or activity on a waterway, whether or not such waterway is listed above, or whether such proposed work or activity is above the jurisdictional limit shown above on a listed waterbody, it is suggested that this Office be contacted prior to commencement of such work or activity. Such contact may prevent a subsequent determination that such work or activity is illegal based upon a final determination of navigability.

As mentioned before, the above listed stream limits define where permits are required, for work or construction, under Section 10 of the River and Harbor Act of 1899. The Corps of Engineers also has permitting jurisdiction pursuant to Section 404 of the Clean Water Act for all waters of the United States. Section 404 regulates the placement of dredged or fill material into streams and their adjacent wetland areas. Therefore, should you anticipate placing material into any streams, lakes or wetland located within the boundary shown on the attached map, then you should contact the Louisville District in order to determine the authorization required prior to the placement of the dredged or fill material.

Questions pertaining to the Department of the Army permit program may be directed to the Louisville District Office by calling (502) 315-6733 or (502) 315-6686, or by writing:

*District Engineer
U.S. Army Engineer District, Louisville
Corps of Engineers
ATTN: CEORL-OR-F
P.O. Box 59
Louisville, Kentucky 40201-0059*

**HARRY L. SPEAR
Colonel, Corps of Engineers
Commander and District Engineer**