



Public Notice

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

Public Notice No.
LRL-1995-1060-A-teh

Open Date:
29 Apr 2016

Close Date:
30 May 2016

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

Phone: 502-315-6683

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: Nucor Steel Gallatin
4831 US Highway 42 West
Ghent, Kentucky 41045

AGENT: Environmental Resources Management (ERM)
Southwest, Inc.
3029 South Sherwood Forest Blvd.
Suite 300
Baton Rouge, Louisiana 70816

LOCATION: The proposed project is located on the left
descending bank of the Ohio River at Mile 534.3
near Ghent, in Gallatin County, Kentucky.

Latitude: 38.763015
Longitude: -85.010037
7.5 Minute Quad: Vevey North

PURPOSE: To build a conveyor system and floating dock to
facilitate the unloading of raw material for an
existing steel mill operation.

DESCRIPTION OF WORK: The applicant proposes to build and operate a new conveyor system to transport Direct Reduced Iron (DRI) from barges located upstream of the existing terminal along the Ohio River to the steel mill. The proposed conveyor will be approximately 6,000 linear feet with an access road used for maintenance. The proposed floating dock barge would be 300 feet long by 50 feet wide. The dock barge would support a clamshell crane for unloading and a charging hopper for the conveyor. The applicant proposes to construct two river cells to anchor the floating dock barge. Each cell would be 25' in diameter and constructed with steel sheet piling and filled with 2,908 cubic yards of river sand/gravel dredged onsite. The cells would have a 2-foot thick reinforced concrete cell cap with an inspection manhole. The floating barge would be constructed offsite and towed into position. The floating dock and 250 linear feet of the conveyor

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system would be connected to the uplands to allow the facility to manage flows between normal pool elevation of 420.0 feet Ohio River Datum (ORD) and 472.0 feet elevation during 100-year flood. The maximum riverward projection of the facility would be 245 feet at the normal pool elevation. The Ordinary High Water (OHW) elevation is 441.2 feet elevation.

The proposed dock facility is located downstream of the location for 2 federal mooring buoys designated for emergency use only as referenced on the Ohio River Navigational Chart. The federal mooring buoys are currently not in service or present for emergency use. Only the stone piles for the anchor points remain of the federal mooring buoys. The applicant requests the alternative of relocation and/or removal of the designated location of the missing federal mooring buoys.

The applicant also proposes to discharge an estimated 61.1 cubic yards of fill material into approximately 0.23 acre of 2 forested wetlands along the route of the conveyor system. The applicant proposes two culvert installations for stream crossing of Agniels Creek and to fill unnamed tributaries of Agniels Creek, which would result in 450 cubic yards of clean rock fill.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has evaluated alternative dock locations, conveyor system route alignments and storage silo locations to minimize impacts to endangered species habitat, cultural resources and "waters of the U.S." The applicant has entered into a Memorandum of Agreement with the US Fish and Wildlife Service to offset impacts to endangered forest dwelling bat species. The applicant has proposed to mitigate impacts to aquatic resources by purchasing credits from either an approved in-lieu fee program or mitigation bank.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

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 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 must apply for State certification from the Kentucky Energy and Environment 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

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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 consulted and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. 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. 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. 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 listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement

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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. Todd E. Hagman, CELRL-OPF-S at the address noted above and should refer to the Public Notice Number LRL-1995-1060-A-teh.

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-1995-1060-A.

Example:

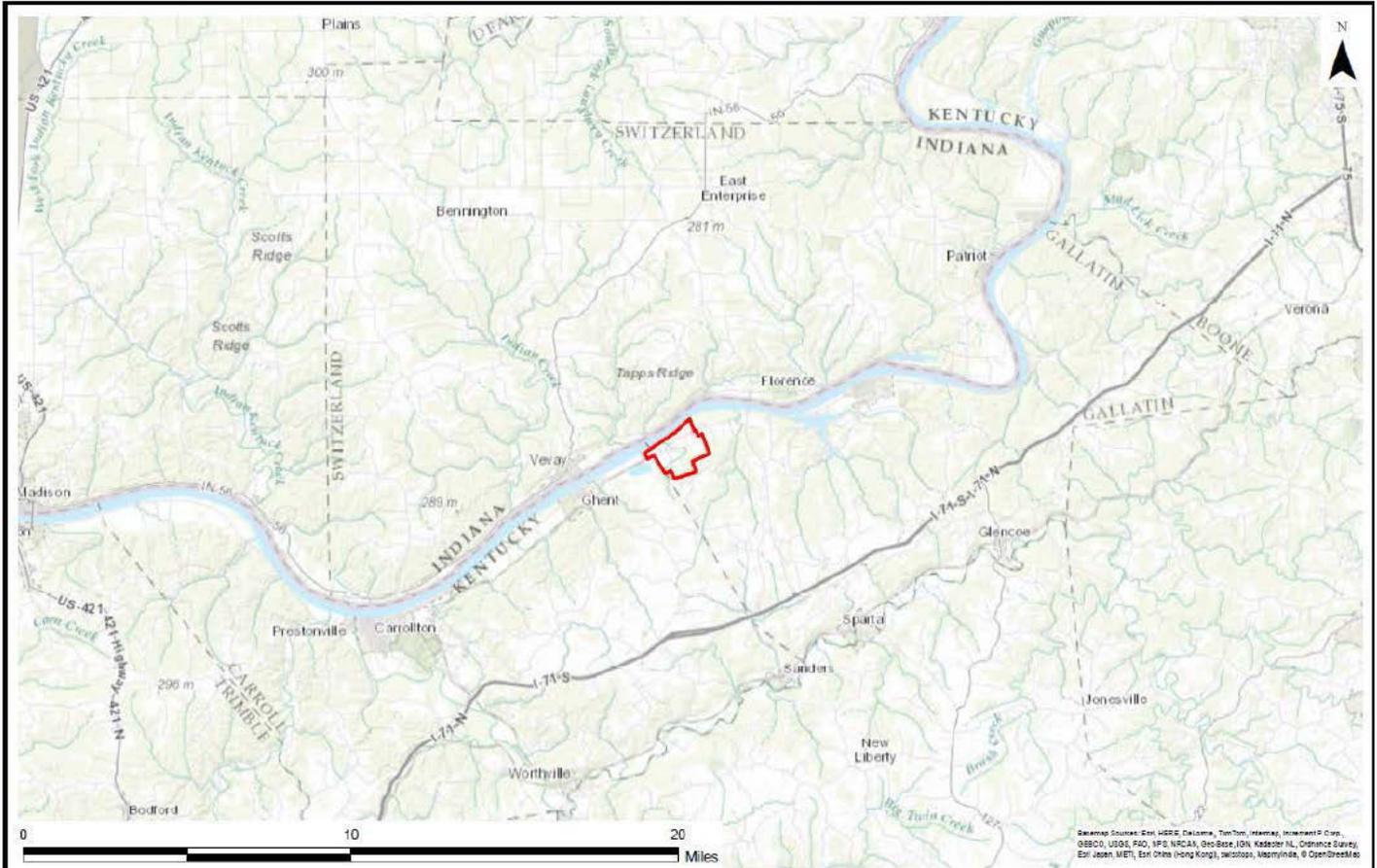
Subject: LRL-1995-1060-A-teh

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.

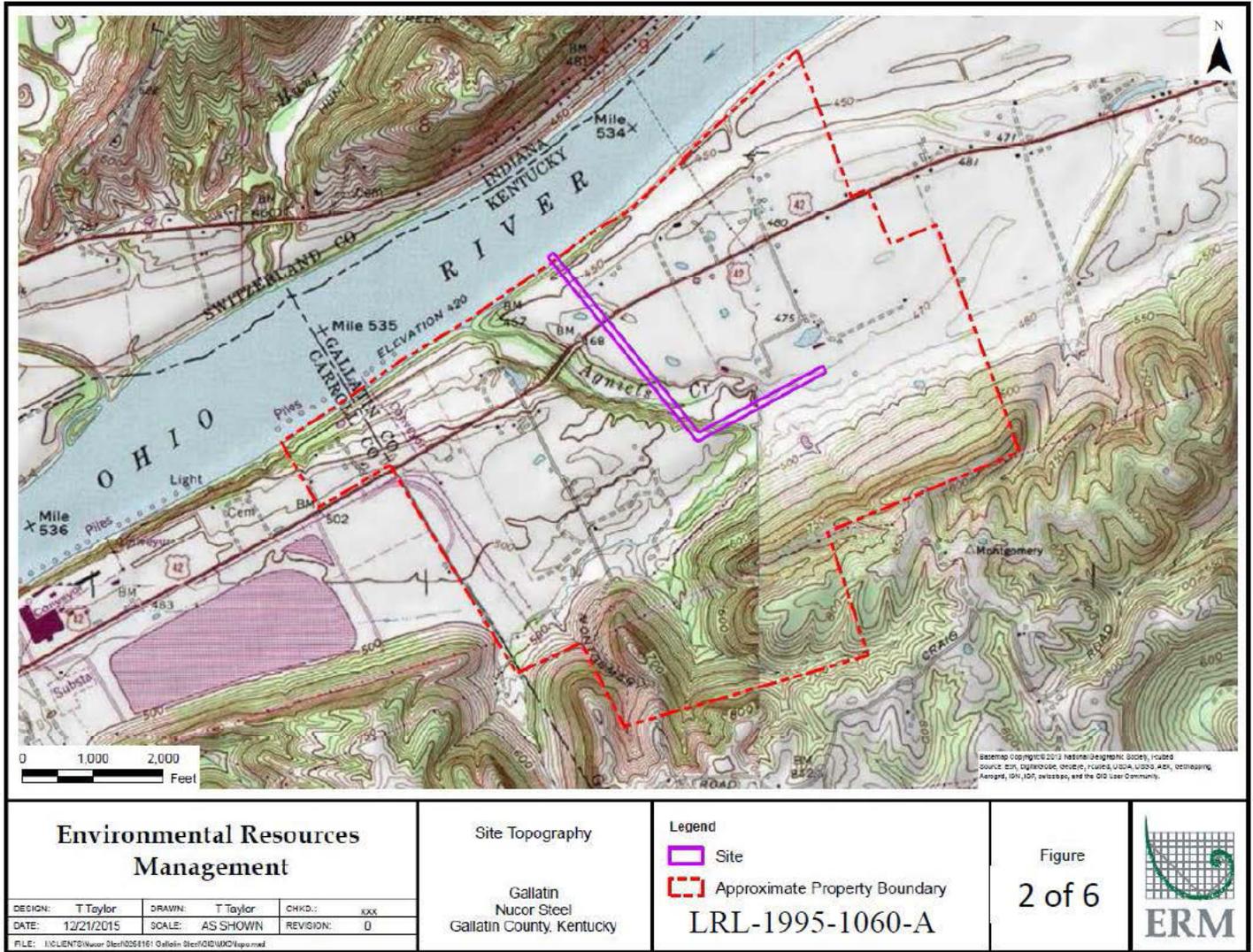
Nucor Steel Gallatin, LLC
 Ghent, Kentucky
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Environmental Resources Management			Site Location	Figure	
			Gallatin Nucor Steel Gallatin County, Kentucky	1 of 6	
DESIGN: T Taylor	DRAWN: T Taylor	CHKD.: xxx			
DATE: 12/18/2015	SCALE: AS SHOWN	REVISION: 0			

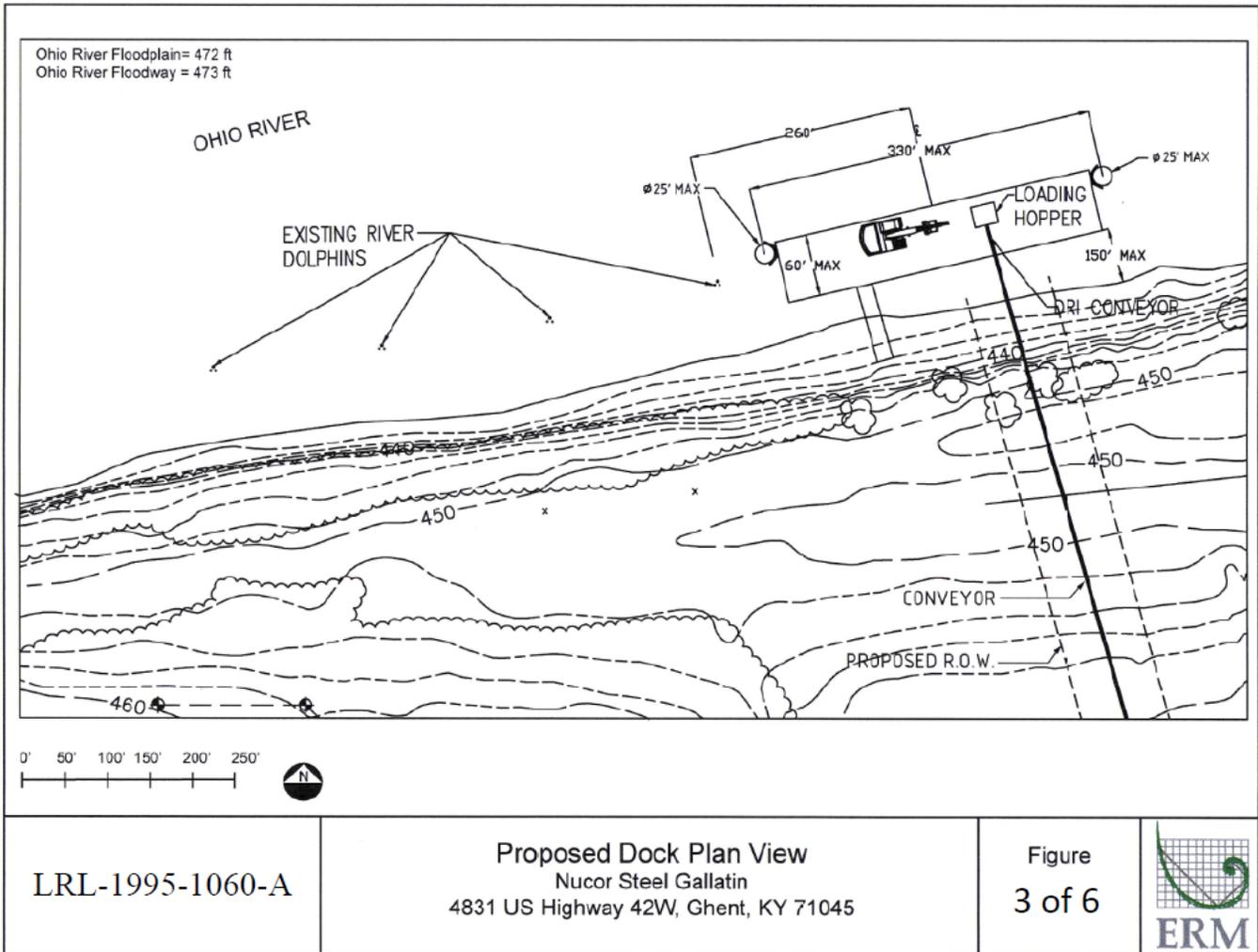
Project location map, Ohio River mile 534.4, Gallatin County, KY.

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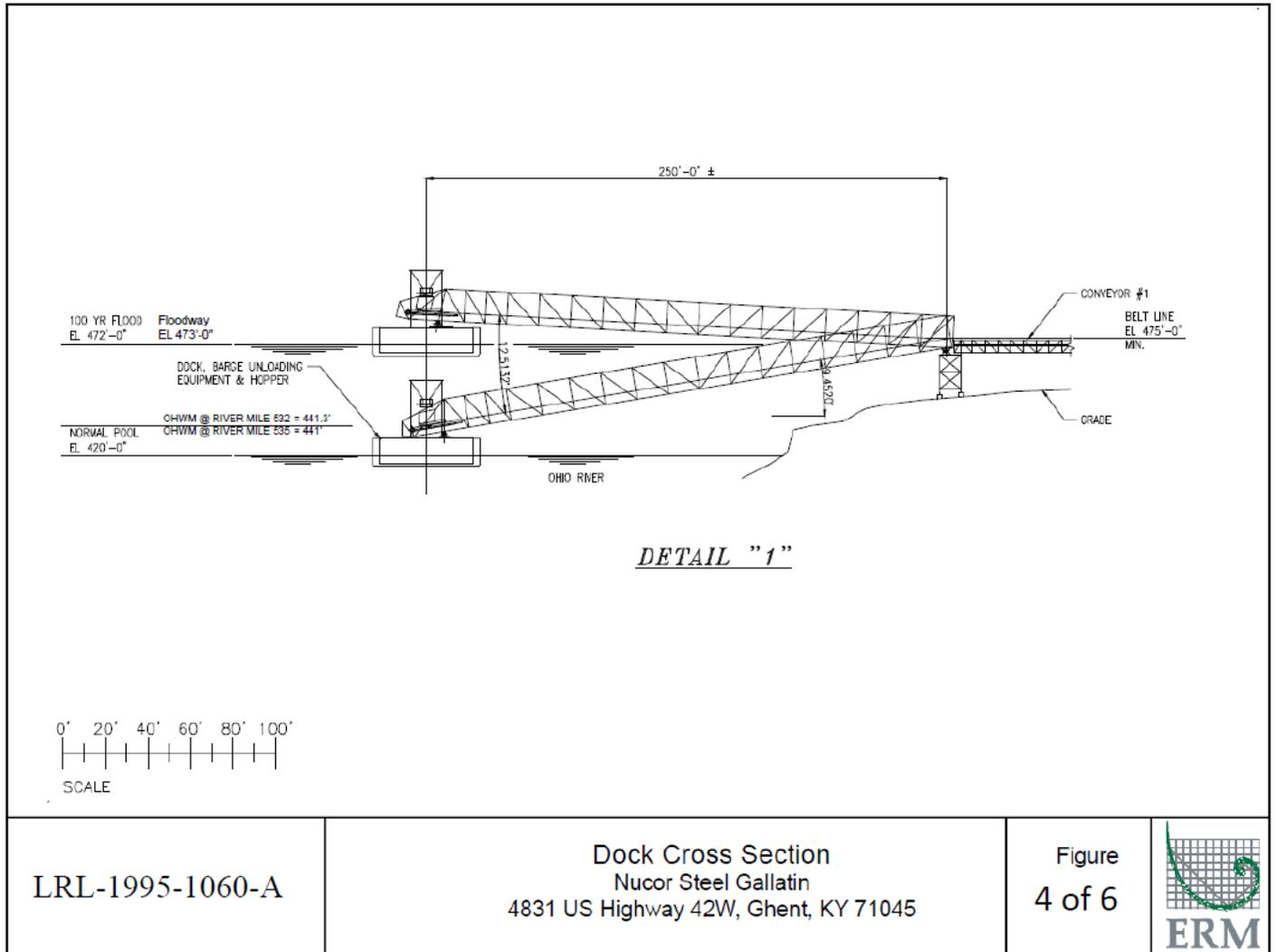
Topography map

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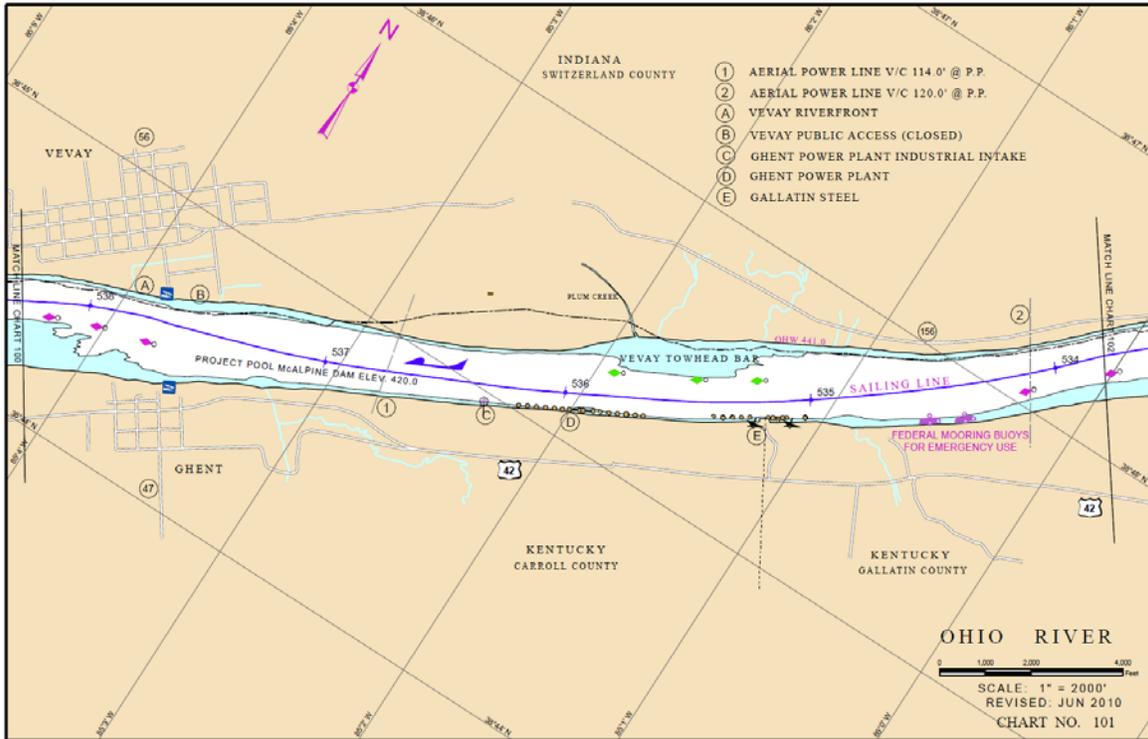
Barge loading/unloading Facility Plan View, Ohio River Mile 534.4

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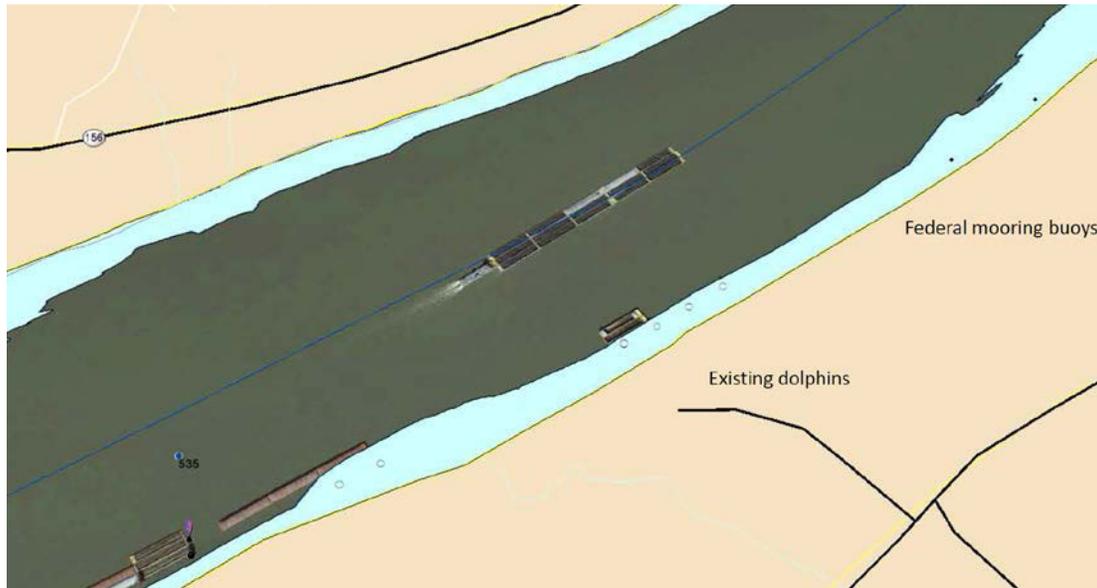


Barge loading/unloading Facility Cross Section View, Ohio River Mile 534.4

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Ohio River Navigational Chart



Federal Mooring Buoy Location