Public Notice

US Army Corps of Engineers
Louisville District ®

Public Notice No.	Open Date:	Close Date:
LRL-2017-273-mck	12 May 2017	12 Jun 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Meagan Knuckles, CELRL-RDS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059 Phone: 502-315-6709

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 Section 404 of the Clean Water Act:

APPLICANT: Mr. Gene Whelan
Pine Bluff Materials, LLC (PBM)
1030 Visco Drive
Nashville, TN 37210

AGENT: Mr. Winston Guidry
GHD Services, Inc.
209 Gothic Court, Suite 109
Franklin, TN 37067

LOCATION: Ohio River 917.0 to 918.2 in Livingston County, Kentucky. No dredging is proposed within Indiana waters.

Latitude: 37.17513 N
Longitude: -88.43201 W
7.5 Minute Quad: Smithland, KY

PURPOSE: Extraction of sand and gravel for commercial sale.

DESCRIPTION OF WORK: The proposed dredging operation is one of three proposals submitted by the applicant currently being reviewed for Department of the Army authorization on the Ohio River. The other projects are LRL-2017-269-mad located at Ohio River Mile 920.2-922.4 and LRL-2017-274-pjl located at Ohio River Mile 937.3-938.7

Dredging activities would be conducted using one or more of the six hydraulic cutter suction dredges operated by PBM. These dredges use a modern cutter head with submerged pump technology. These dredges are sometimes referred to as floating plants because they not only dredge material from the river, but also classify and segregate the materials to meet customer specification, thus eliminating the need for land-based gradation facilities. The floating plants are used to recover materials from the owned and/or leased natural sand deposits in the Ohio River as well as to process and load the dredged materials into barges for transport to PBM's material yards and customers. PBM

proposes to dredge approximately 1.5 million tons of material per year from this area.

The dredge would be positioned with the assistance of a tug which is outfitted with a hydraulic winch mounted on the lower deck of the tug. In addition, a barge would be spotted on either side of the dredge, and tied off with lines and a deck winch cable. Typically, the tugboat must hold the dredge in place until the starboard and port-side spuds are lowered, and the dredge is secured. In most cases, a starboard anchor and a port-side anchor would also be used to secure the dredge. During the dredging process, the spuds would be used to hold the dredge in place while the anchors are used to move the dredge from side to side.

Barge fleeting operations would be located on the river within the proposed dredging area. The fleet would be anchored with a spud barge with 2-24 inch round, pointed steel spuds in the river bottom. Each spud barge would have no more than 15 jumbo hopper barges (empty and/or full) attached with 7/8 inch wire in a 4 wide by 5 long configuration. No more than 2 barge fleets would be located in the proposed dredging area at any time. All barges would remain at least 150 feet from the sailing line and shorelines at normal pool. The proposed fleets would be used for only sand and gravel dredged from the proposed area, and no red flag barges would be present in the fleeting area.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The dredging operation was designed to comply with the terms and conditions of the USACE Letter of Permission for Commercial Sand and Gravel Dredging in the Commonwealth of Kentucky (LRL-2004-657). The proposed project is located in an exclusion area, and is therefore not covered under the Letter of Permission. The design includes leaving a 150 feet buffer from the sailing line and any shoreline at normal pool, and not operating in any restricted areas of Smithland Lock and Dam located upstream of the site at Ohio River Mile 918.5.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

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. Hydrographic, side scan sonar, and ground-truthing surveys were performed on November 22, 2015 at the proposed location. 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 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, prehistoric, 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 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 Ms. Meagan Knuckles, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2017-273-mck.

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-2017-273-mck.

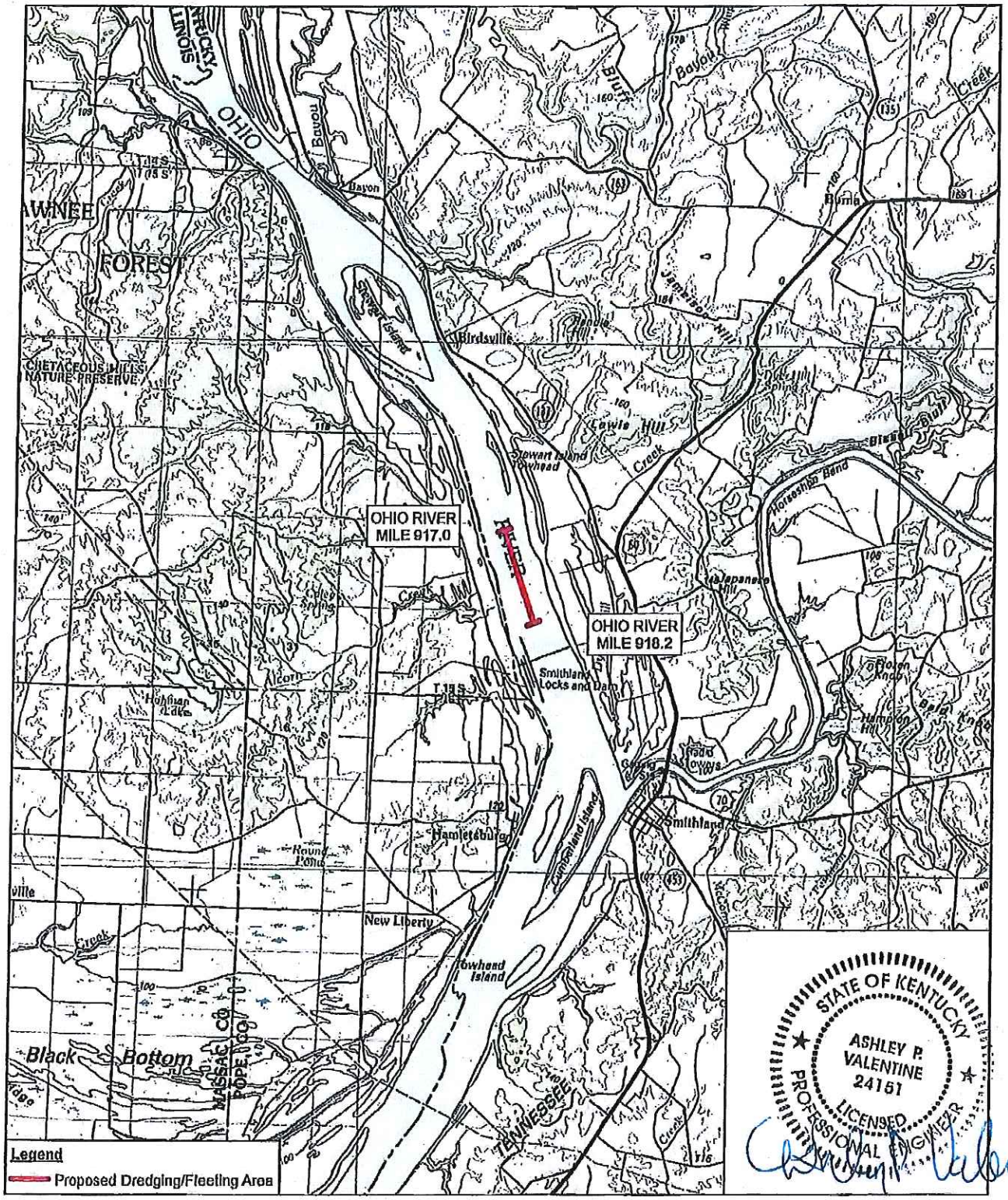
Example:

Subject: LRL-2017-273-mck

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.



Source: ESRI USA Topo Maps Basemap, Accessed 2016

0 1 2
Miles

Coordinate System:
NAD 1983 StatePlane Kentucky
South FIPS 1602 Feet

PINE BLUFF MATERIALS, INC.
OHIO RIVER COMMERCIAL DREDGING
USACOE ID NO. LRL-2017-273-mck

075264-00
Apr 14, 2016

RIVER MILE SECTION 917.0-918.2
VICINITY MAP

FIGURE 1 OF 5

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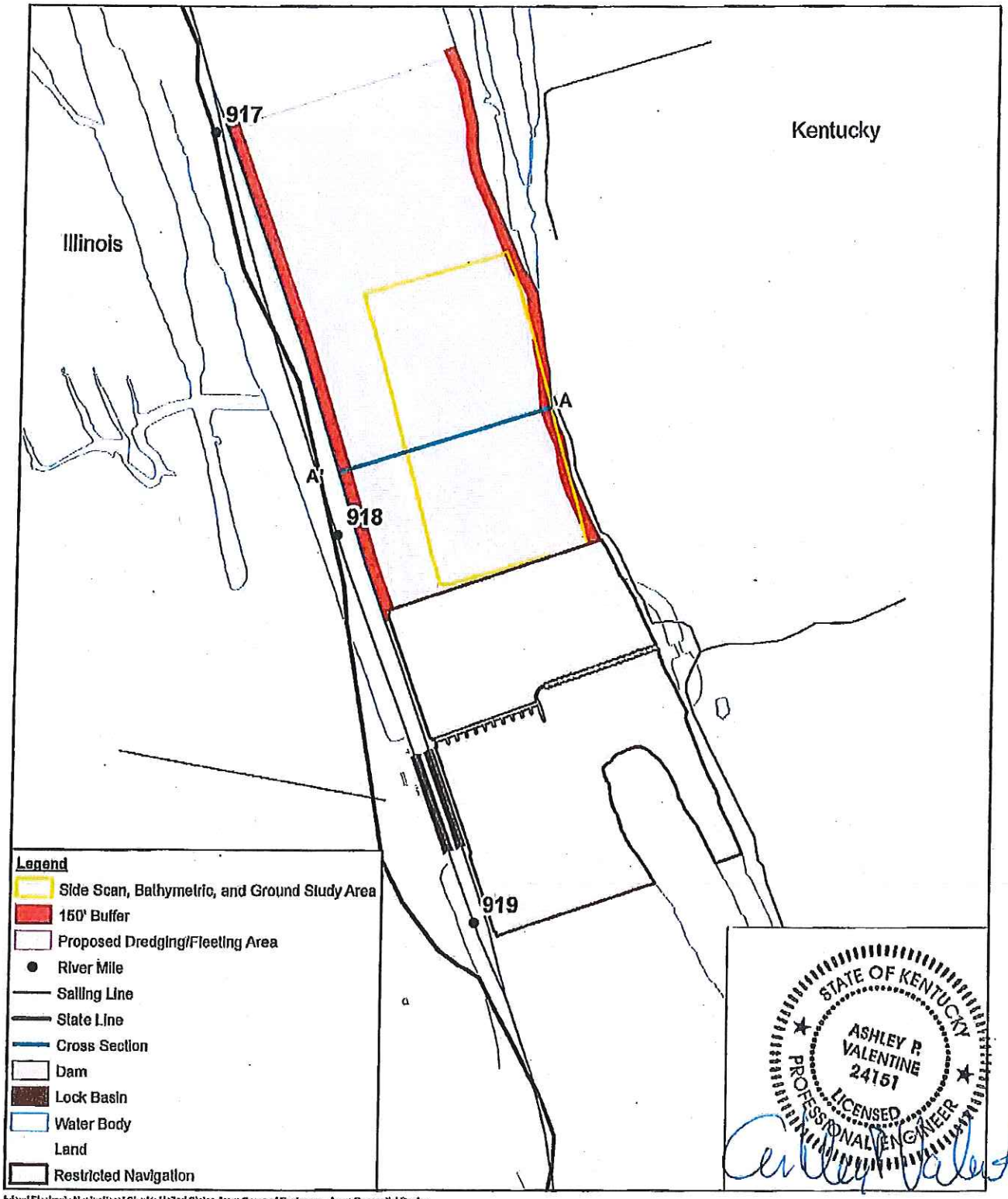
COE ID No. LRL-2017-273-mck
Figure 1 of 5



Inland Electronic Navigational Charts: United States Army Corps of Engineers - Army Geospatial Center
Side Scan, Bathymetric, and Ground Truthing Study Area - Meinekoam Commercial Divers, Inc. (November 2015)

0 1,000 2,000
Feet

Coordinate System:
NAD 1983 StatePlane Kentucky
South FIPS 1602 Feet

PINE BLUFF MATERIALS, INC.
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075264-00
Apr 14, 2016

RIVER MILE SECTION 917.0-918.2
SITE PLAN

FIGURE 2 OF 5

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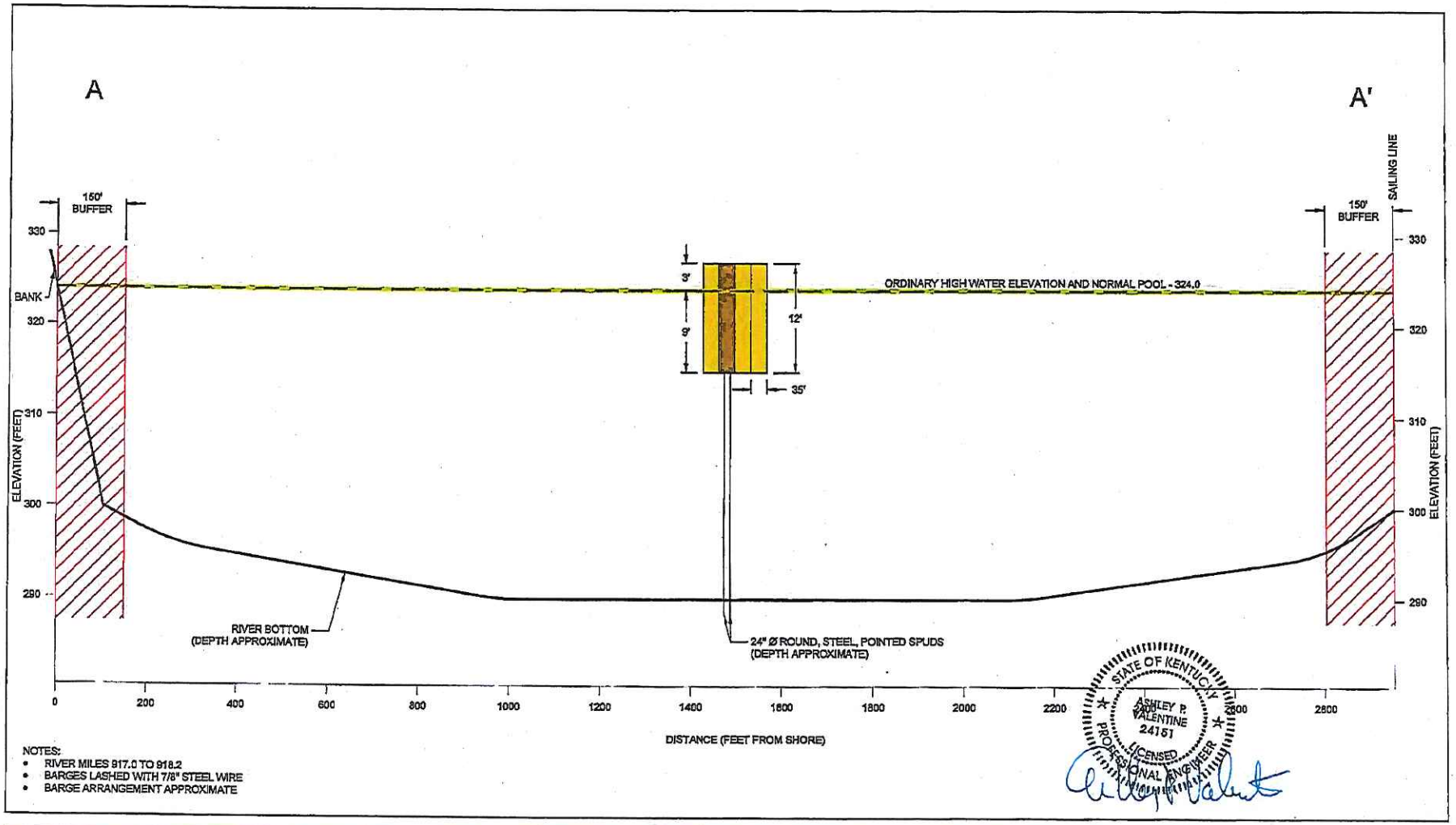

NOTES:
- RIVER MILES 917.0 TO 918.2
- BARGES LASHED WITH 7/8" STEEL WIRE
- BARGE ARRANGEMENT APPROXIMATE

SCALES:
1" = 200' HORIZONTAL
1" = 10' VERTICAL
20X VERTICAL EXAGGERATION

LEGEND
- FULL HOPPER BARGE
- SPUD BARGE
- ORDINARY HIGH WATER ELEVATION
- NORMAL POOL ELEVATION

PINE BLUFF MATERIALS, INC.
OHIO RIVER COMMERCIAL DREDGING

REQUESTED DREDGING/FLEETING AREA
USACE ID NO. LRL-2017-273-mck · CROSS-SECTION A-A'

75254-00
Apr 14, 2018

FIGURE 3 OF 5

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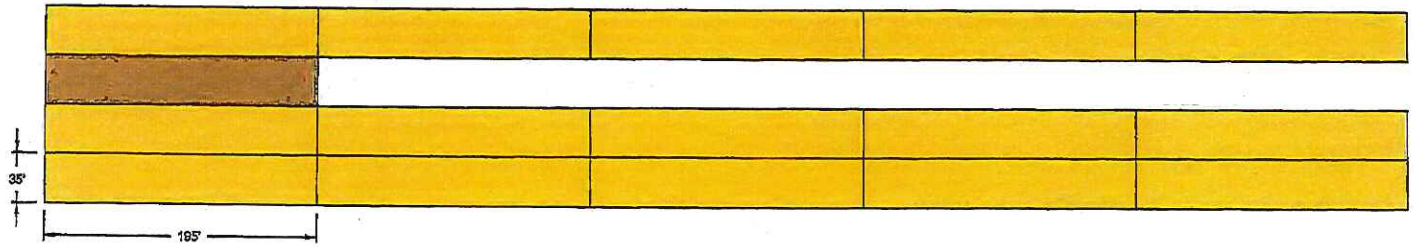
Figure 3 of 5



NOTE: ACTUAL ORIENTATION MAY VARY.

STATE OF KENTUCKY
ASHLEY P. VALENTINE
24151
LICENSED
PROFESSIONAL ENGINEER

0 40 80ft

LEGEND
HOPPER BARGE
SPUD BARGE

PINE BLUFF MATERIALS, INC.
OHIO RIVER COMMERCIAL DREDGING

TYPICAL FLEETING AERIAL LAYOUT
USACE ID NO. LRL-2017-273-mck

75264-00
Apr 14, 2016

FIGURE 4 OF 5

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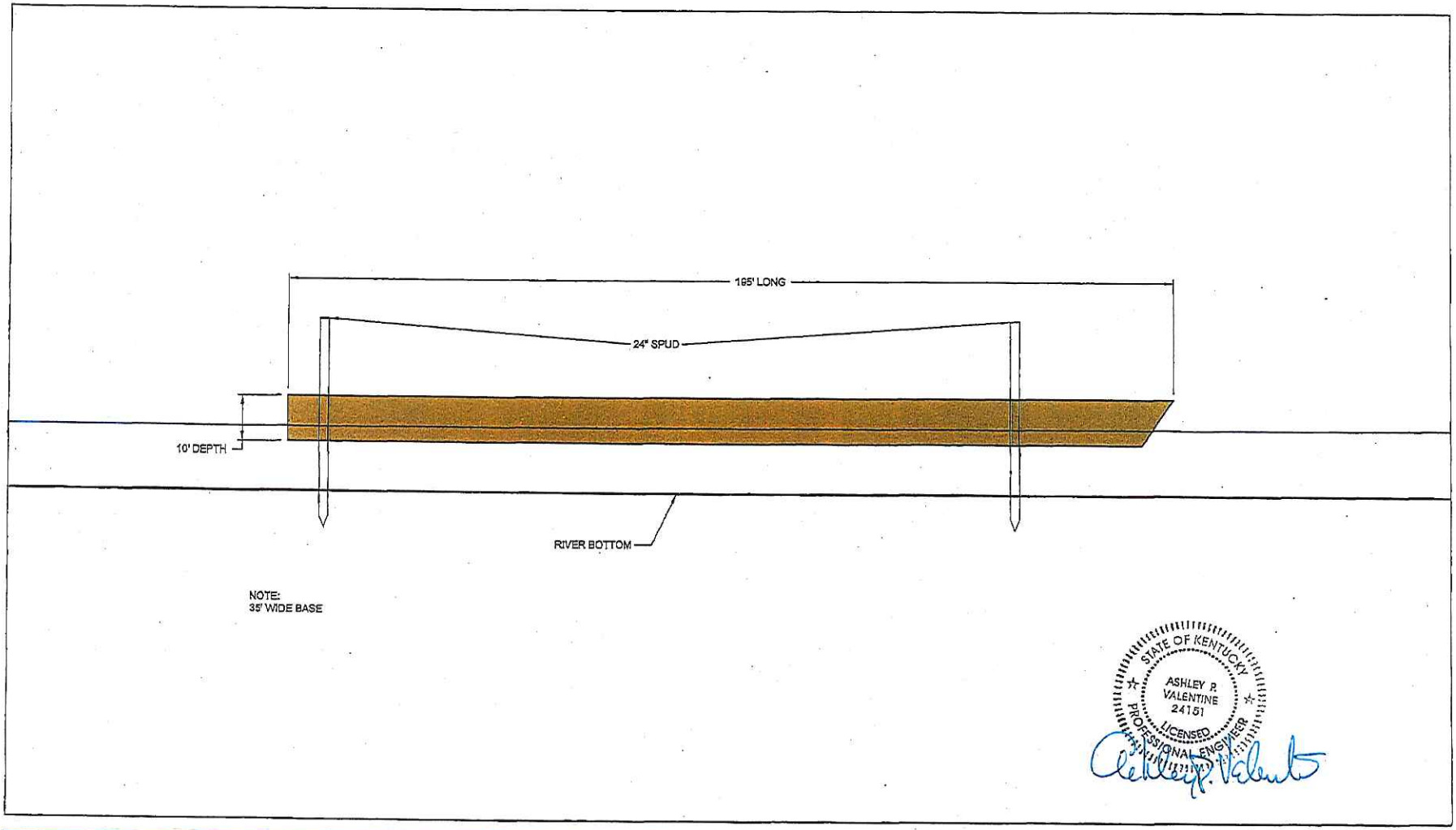

0 10 20ft

PINE BLUFF MATERIALS, INC.
OHIO RIVER COMMERCIAL DREDGING

TYPICAL SPUD BARGE PROFILE VIEW
USACE ID NO. ILRL-2017-273-mck

75264-00
Apr 14, 2016

FIGURE 5 OF 5

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Figure 5 of 5