



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

# Public Notice

Public Notice No.  
LRL-2018-963-mad

Date:  
14 Dec 2018

Closing Date:  
14 Jan 2018

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

Phone: 502-315-6689

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

**APPLICANT:** John Hunt, Jr.  
Four Rivers Terminal, LLC  
1650 Murfreesboro Road  
Franklin, TN 37067

**AGENT:** Susannah Campbell  
5H Technologies, Inc.  
1646 Kentucky Avenue  
Paducah, KY 42003

**LOCATION:** Unnamed tributaries to Massac Creek and adjacent wetlands in Paducah, McCracken County, Kentucky.

Latitude: 37.128457°  
Longitude: -88.74422°  
7.5 Minute Quad: Metropolis-IL-KY

**PURPOSE:** Construction of new iron production facility and associated attendant features.

**DESCRIPTION OF WORK:** Construction of an iron mill adjacent to the current Four Rivers Terminal facility for the production of pig iron. The iron mill would be operated by Iron-ton Enterprises, LLC. Grading required for construction of the facility would require the fill of five ephemeral streams totaling 1,995 linear feet (0.046 acre) and two palustrine forested wetlands totaling 0.542 acre with earthen material.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** Site selection for the project evaluated key factors including proximity to the river terminal, rail loop and storage areas at the Four Rivers Terminal facility, size of industrial lots, availability of all utilities, availability of property, existing topography, current zoning of the property, and environmental factors including impacts to aquatic resources. The location and footprint of the facility were selected to

avoid impacts to aquatic resources to the maximum extent practicable. Larger tracts of forested wetlands were identified adjacent to the property to the west and north which would be avoided. Secondary impact to those resources would be avoided through the installation of Best Management Practices including silt fencing and erosion barriers.

Wetland impacts would be mitigated through permittee responsible construction of 1.626 acres of palustrine forested wetland. The proposed constructed wetland would consist of appropriate number and diversity hard mast tree species. This proposed mitigation area is located approximately 0.75 mile to the east of the project area. The mitigation site is located on the same geomorphic landscape position of the impact site, displaying similar topography and general proximity to the Ohio River. Ephemeral stream impacts would be provided through the installation of onsite stormwater management.

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 information by the applicant, and a review of the Information for Planning and Consultation (IPAC) website, <https://ecos.fws.gov/ipac/>, the following federally-listed species are known to or believed to occur in the area to be affected (directly or indirectly) by the proposed action:

List of Species

Common Name	Scientific Name
Indiana bat	<i>Myotis sodalis</i>
Northern long-eared bat	<i>Myotis septentrionalis</i>
Gray bat	<i>Myotis grisescens</i>
Interior least tern	<i>Sterna antillarum athalassos</i>

The Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7(a) 2 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered, or any designated critical habitat. A copy of this notice is being furnished to the USFWS for their review. Per this notification, we request comments from the USFWS concerning potential impact to threatened and/or endangered species. After receipt of comments, the USACE will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat and initiate consultation with USFWS, if required.

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.

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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. An archeological reconnaissance survey was completed on the project area and reviewed by the Corps during review of Department of the Army permit LRL-2012-335. 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 Matt Denis, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2018-963-mad.

If you desire to submit your comments by email, you must comply with the following:

Regulatory Division  
South Branch  
Public Notice No. LRL-2018-963-mad

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2018-963-mad

Example:

Subject: LRL-2018-963-mad

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lr.regulatorypubliccomment@usace.army.mil](mailto:lr.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.





**\*\* NOTE \*\***  
 7.5 MINUTE USGS PHOTO AND  
 TOPOGRAPHIC MAPS USED:  
 METROPOLIS, IL 2018

**\*\* Legend \*\***  
 — Project Area



Scale: 1" = 1,000'

PROJECT #: 434.01  
 DWG NAME: TOPO  
 SCALE: 1" = 1,000'  
 DATE: 10/12/2018  
 DRAWN BY: KDH  
 CHCKD BY: SLC



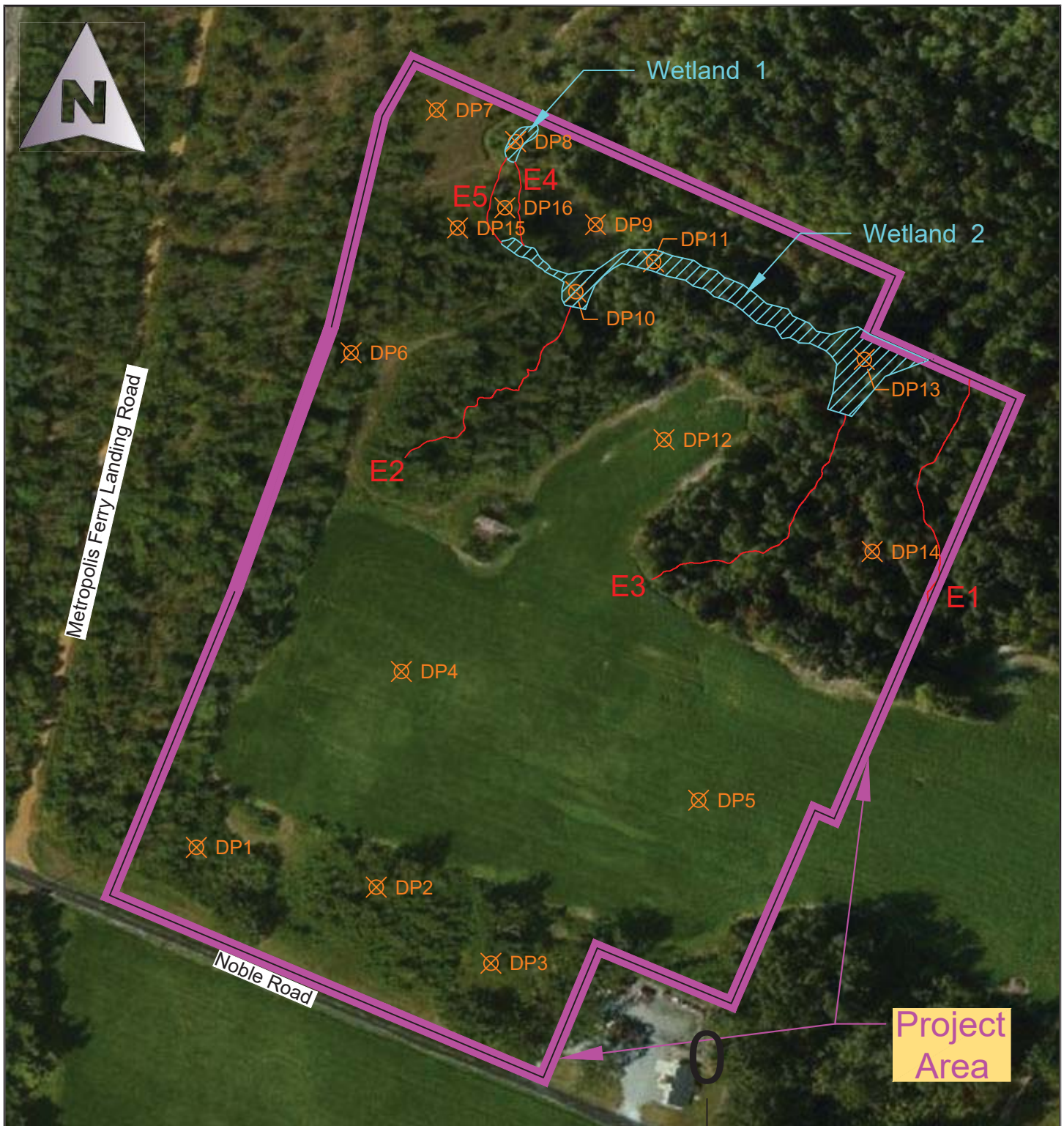
**USGS Topo**

Four Rivers Terminal, LLC  
 1650 Murfreesboro Road  
 Franklin, TN 37067

FIGURE #:

**1.0**





**\*\* Legend \*\***

- Stream
- ▨ Wetland
- Project Area

**\*\* NOTE \*\***  
PHOTO PROVIDED BY  
BING (2018)

Scale: 1" = 200'

PROJECT #: 434.01  
DWG NAME: TOPO  
SCALE: 1" = 200'  
DATE: 10/12/2018  
DRAWN BY: KDH  
CHCKD BY: SLC



**5H Technologies, Inc.**

1646 Kentucky Avenue  
Paducah, Kentucky 42003

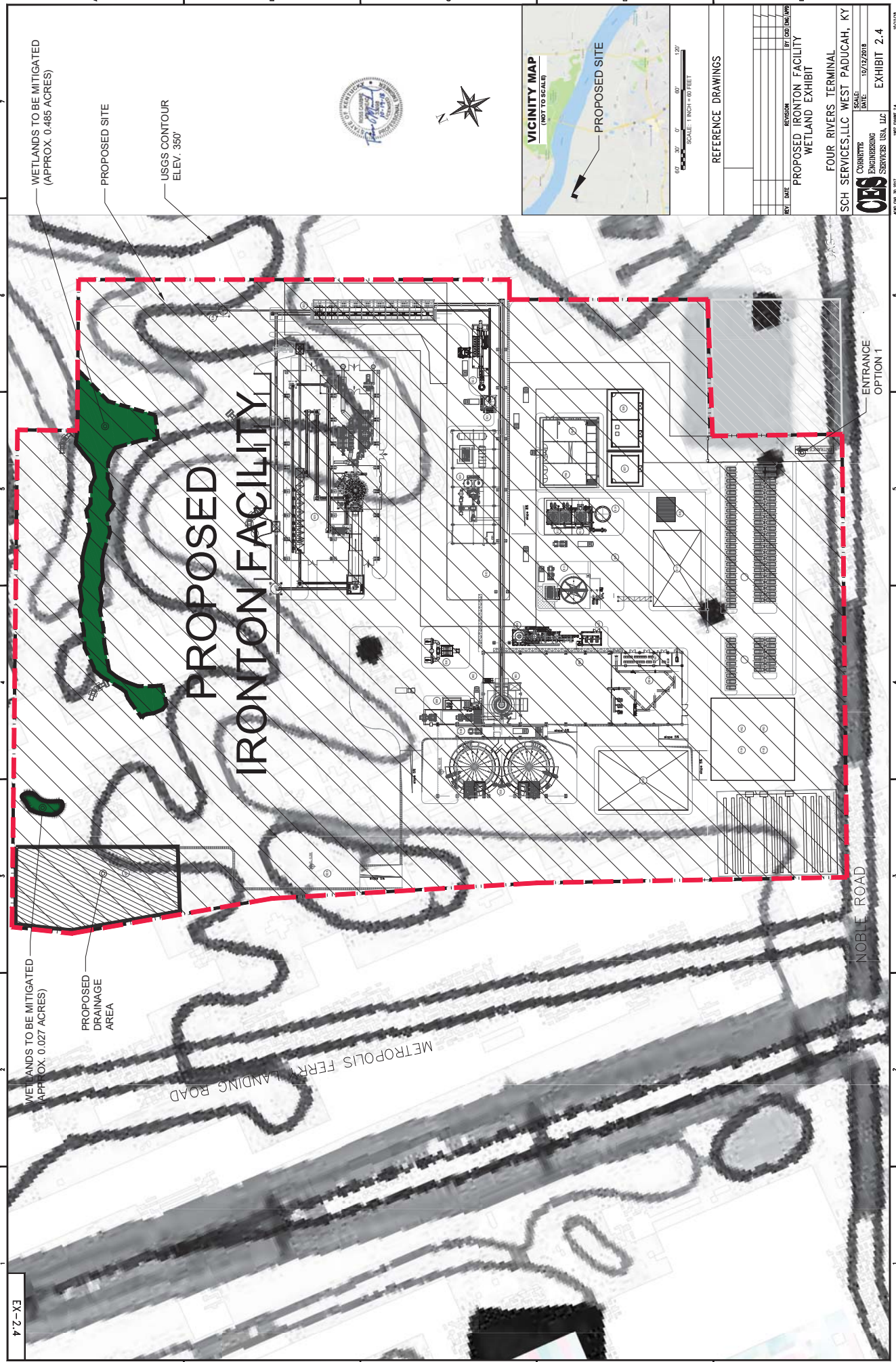
**Aerial**

Four Rivers Terminal, LLC  
1650 Murfreesboro Road  
Franklin, TN 37067

FIGURE #:

**1.0**





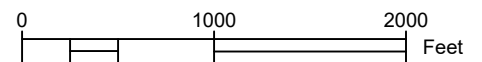
EX-2.4





**\*\* NOTE \*\***  
 7.5 MINUTE USGS PHOTO AND  
 TOPOGRAPHIC MAPS USED:  
 METROPOLIS, IL 2018

**\*\* Legend \*\***  
 — Project Area



Scale: 1" = 1,000'

PROJECT #: 434.01  
 DWG NAME: TOPO  
 SCALE: 1" = 1,000'  
 DATE: 11/28/2018  
 DRAWN BY: KDH  
 CHCKD BY: SLC



**5H Technologies, Inc.**

1646 Kentucky Avenue  
 Paducah, Kentucky 42003

## Prop. Mitigation Site

Four Rivers Terminal, LLC  
 1650 Murfreesboro Road  
 Franklin, TN 37067

FIGURE #:

**1.0**