



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

Public Notice

Public Notice No.
LRL -2014-671-gjd

Open Date:
25 Sep 2014

Close Date:
27 Oct 2014

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. George DeLancey, CELRL-OP-FW
6855 State Road 66
Newburgh, Indiana 47630
lr.regulatorypubliccomment@usace.army.mil

Phone: 812-842-2807

This notice announces an application submitted for a Department of the Army (DA) permit, subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT: River View Coal, LLC
771 Corporate Drive
Suite 1000
Lexington, Kentucky 40503

LOCATION: Ohio River Mile 842.9-843.7, left descending bank,
Union County, Indiana.
Latitude: 37.768320
Longitude: -87.948220
7.5 Minute Quad: Uniontown, KY

PURPOSE: To complete maintenance dredging at the loading and
fleeting facility.

DESCRIPTION OF WORK: The applicant is proposing to dredge the area around and near the fleeting facility to a bed elevation of 325' above mean sea level and a maximum of 175' riverward from the breasting line. Material would be removed with the use of a clamshell dredge and loaded onto a barge. It expected that 103,915 cubic yards of dredged material would be removed from the channel. The material would then be transported for final disposal/staging at an upland location at the Cross International, LLC and M. Bowling, Inc., facility located adjacent to Ohio River Mile 801.3. The material may be sold and/or reused from the Cross International site.

The barge utilized for holding and transporting the dredged material from the River View facility to Cross International, is constructed so that decant water would flow from the dredged material, off the barge through openings in the barge's side walls, and back into the river.

AVOIDANCE, MINIMIZATION, and AVOIDANCE MEASURES: The applicant's preferred alternative, was selected after considering the existing facility operations and needs to maintain adequate draft to allow for continued coal loading activities. By utilizing upland disposal, the applicant is minimizing impacts versus in river disposal.

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

Operations Division
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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, by this notice, hereby applies for State certification from the Kentucky Environmental & Public Protection Cabinet, Division of Water.

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 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 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 (USEPA), 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.

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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> under "Obtain a Permit".

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-2014-671-gjd.

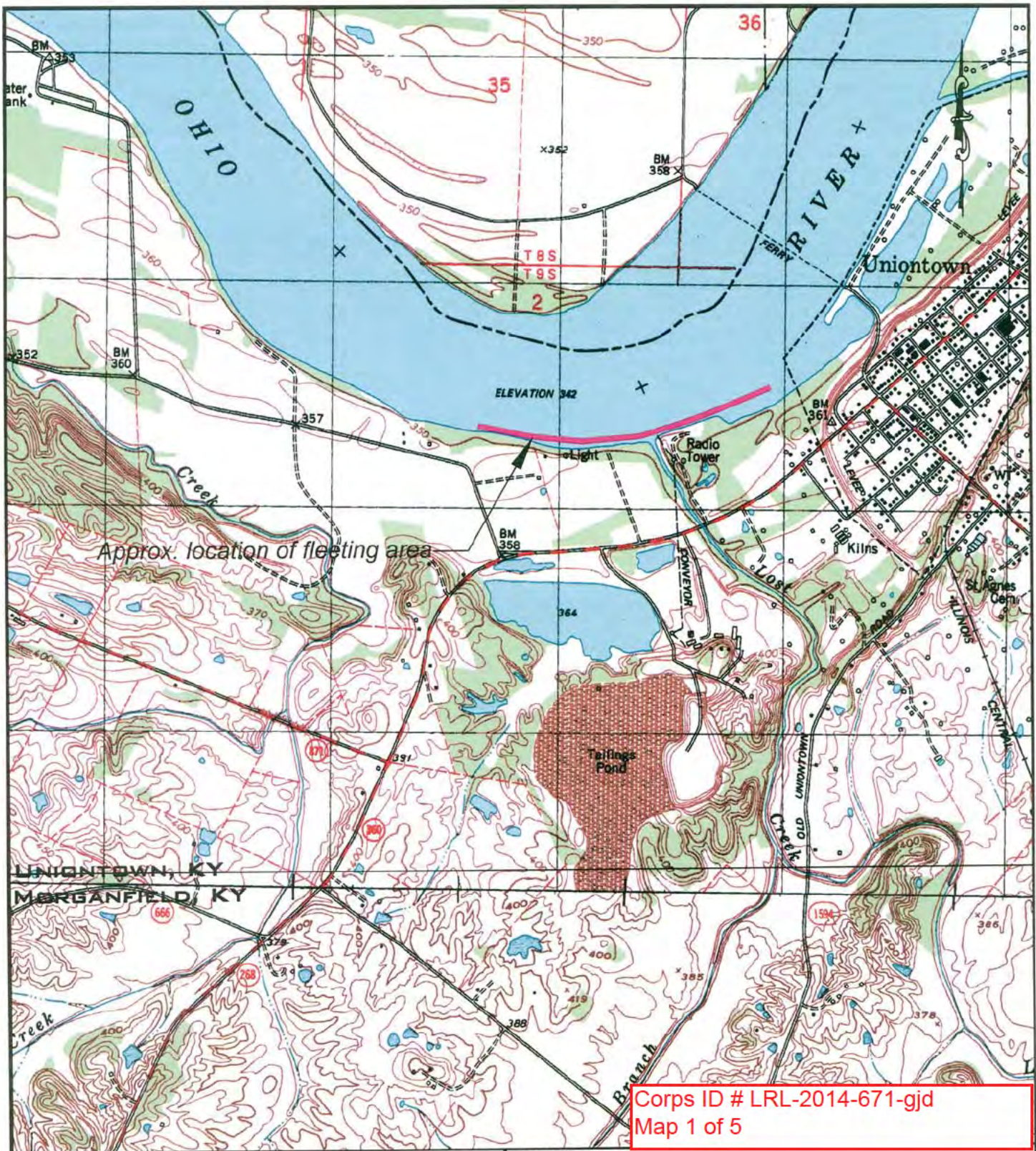
Example:

Subject: LRL-2014-671-gjd

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.



EcoSource, Inc.

ENVIRONMENTAL CONSULTING

FIGURE:

Specific Location Map

(Excerpted from the Beech Grove and Sebree, KY 7.5' USGS Topo. Quad.)

DNR Permit No.:

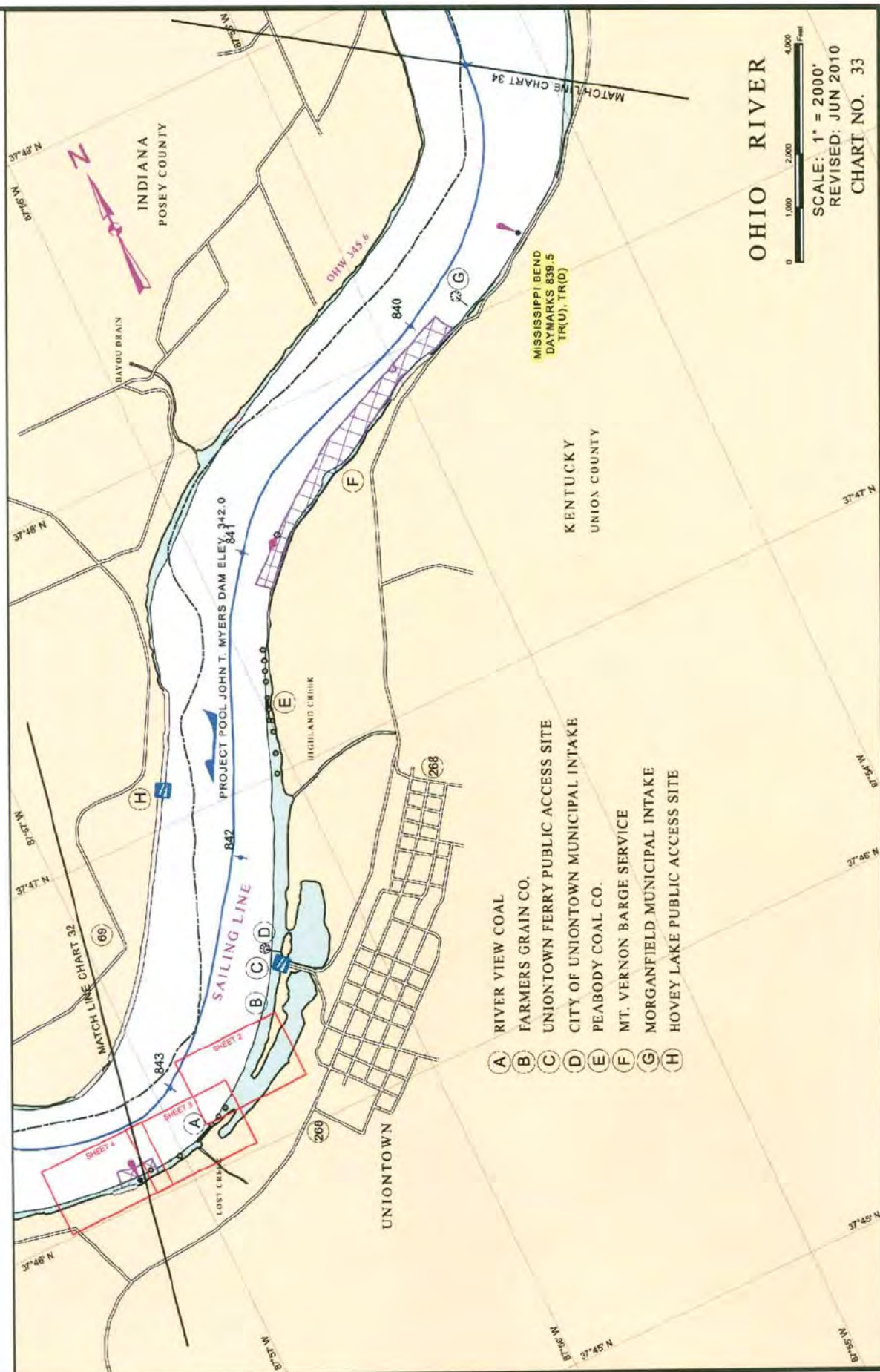
APPLICANT:

River View Coal LLC

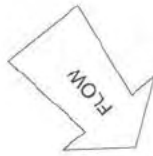
COE ID NO.:

SCALE:

1" = 2000'



CURRENT AREA ABOVE 325'
REQUIRING DREDGING



OHIO RIVER
NORMAL POOL 342.0'

PROPOSED MAINTENANCE
DREDGEING AREA

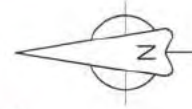
DREDGE AREA 1
AREA = 1.20 ACRES
C.Y. = 7,545

00+0

MATCHLINE

BREASTING LINE

Corps ID # LRL-2014-671-gjd
Map 3 of 5



Drawn:

Date:
5/21/2014

Job:
155-000-0002

Scale:
1"= 200'

Drawing:

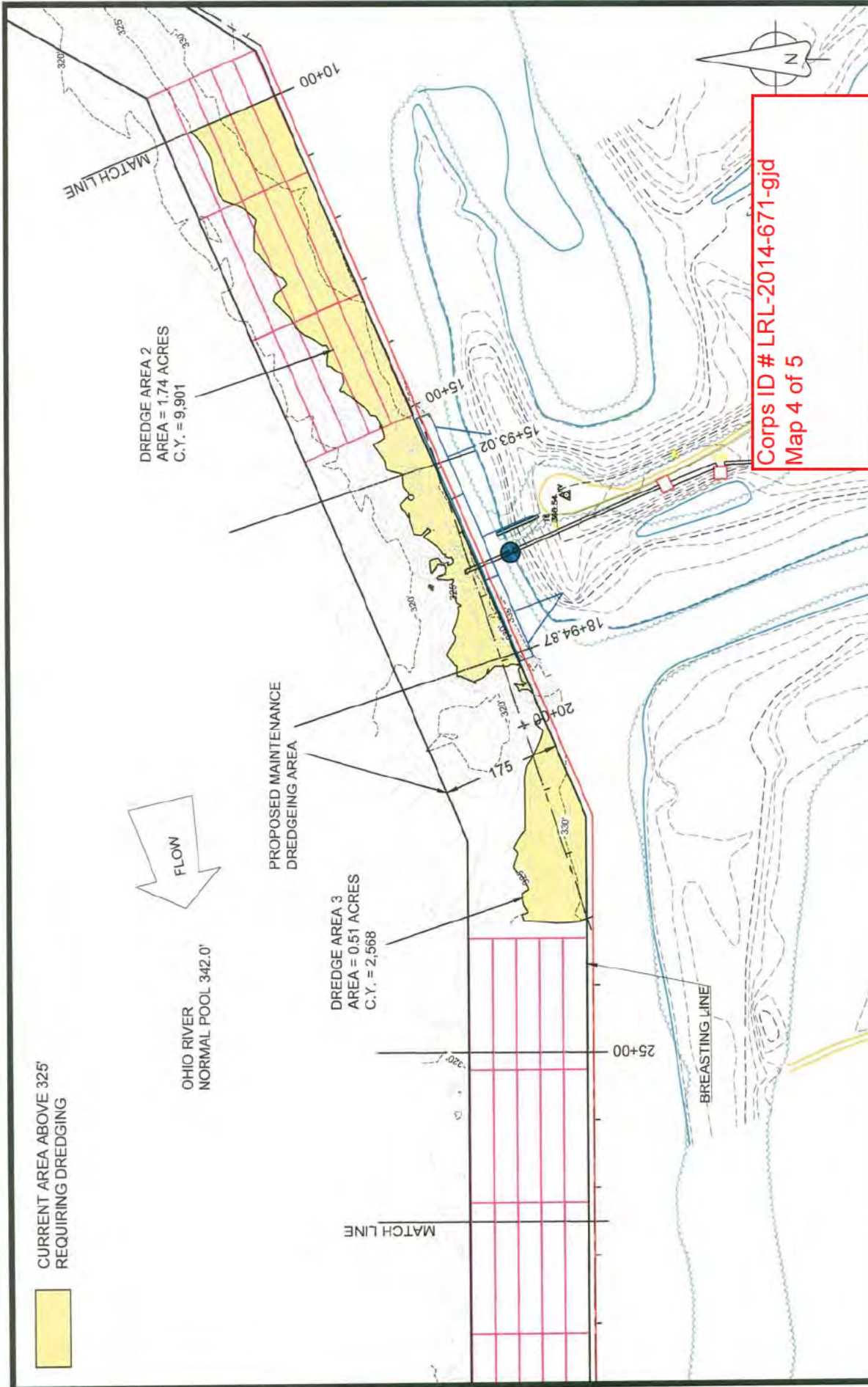
Plans.dwg



RIVER VIEW COAL, LLC
SECTION 10 PERMIT -- OHIO RIVER MILE 843
STA. 0+00 TO STA. 10+00
SHEET 2 OF 14



229 Madison Square Drive
Madisonville, KY 42431
(270) 452-2740
engineering@ermc2.us



Drawn:	Date:
Job:	Scale:
Drawing:	



RIVER VIEW COAL, LLC
SECTION 10 PERMIT -- OHIO RIVER MILE 843
STA. 10+00 TO STA. 25+00
SHEET 3 OF 14



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CURRENT AREA ABOVE 325'
REQUIRING DREDGING



PROPOSED MAINTENANCE
DREDGING AREA

FLOW

OHIO RIVER
NORMAL POOL 342.0'

MAXIMUM EXTENSION FROM
NORMAL POOL 346'

DREDGE AREA 4
AREA = 0.20 ACRES
C.Y. = 769

MATCH LINE

BREASTING LINE

Corps ID # LRL-2014-671-gjd
Map 5 of 5

Drawn: Date: 5/21/2014

Job: 155-000-0002 Scale: 1" = 200'

Drawing: Plans.dwg



RIVER VIEW COAL, LLC
SECTION 10 PERMIT -- OHIO RIVER MILE 843
STA. 30+00 TO STA. 45+60.58
SHEET 4 OF 14



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