

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

Public Notice

Public Notice No.
LRL-2018-581-MKD

Date:
21 Sep 2018

Closing Date:
22 Oct 2018

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

Phone: 502-315-6715

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

APPLICANT: North American Stainless
6870 Highway 42 East
Ghent, Kentucky 40145

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

LOCATION: In wetlands at the 106-acre project site located north of the existing North American Stainless (NAS) facility along U.S. 42, Ghent, Carroll County, Kentucky

Latitude: 38.728597°
Longitude: -85.080216°
7.5 Minute Quad: Vevay South

PURPOSE: To construct a new production mill and associated infrastructure.

DESCRIPTION OF WORK: The proposed project includes the construction of a new roughing mill, new coil storage area, new staging lot, project associated infrastructure, and provides NAS the ability to expand production processes and associated storage requirements in the future. The proposed project would require the permanent discharge of approximately 20,000 cubic yards of beneficial refuse fill material impacting 0.001 acre of Wetland 2, 0.028 acre of Wetland 4, 7.170 acres of Wetland 5, 0.114 acre of Wetland 6, and 0.268 acre of Wetland 7 to construct a building pad to facilitate the construction of the NAS expansion.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant has considered five alternative building sites and three design alternatives to avoid impacts to “waters of the U.S.” The preferred alternative was chosen due to site constraints, location abutting the existing facility, and cost efficiency. The applicant has proposed to mitigate impacts

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to 7.581 acres of wetlands by purchasing credits from the in-lieu fee program administered by the Kentucky Division of Fish and Wildlife Resources.

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
Gray Bat	<i>Myotis grisescens</i>
Indiana Bat	<i>Myotis sodalist</i>
Northern Long-eared Bat	<i>Myotis septentrionalis</i>
Fanshell	<i>Cyprogenia stegaria</i>
Northern Riffleshell	<i>Epioblasma torulosa rangiana</i>
Orangefoot Pimpleback	<i>Plethobasus cooperianus</i>
Purple Cat's Paw	<i>Epioblasma obliquata obliquata</i>
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>
Ring Pink	<i>Obovaria retusa</i>
Rough Pigtoe	<i>Pleurobema plenum</i>
Sheepnose Mussel	<i>Plethobasus cyphus</i>
Spectaclecase	<i>Cumberlandia monodonta</i>
Running Buffalo Clover	<i>Trifolium stoloniferum</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.

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

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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 Michael Davis, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2018-581-MKD.

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-2018-581-MKD.

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Example:

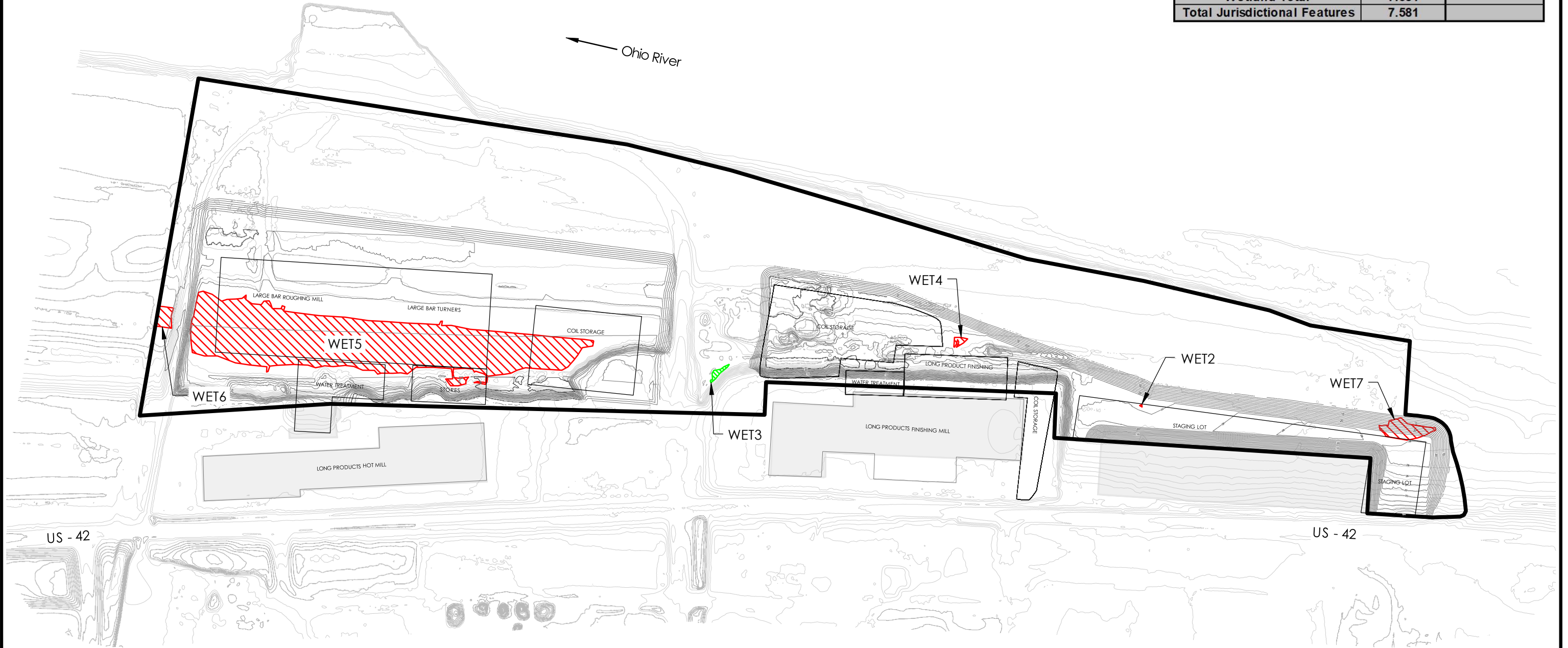
Subject: LRL-2018-581-MKD.

- 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.

Davis/RDN
Mckay/RDN
RECORD COPY

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Feature	Impact Area (Acres)	Status
Wetland 2	0.001	Jurisdictional
Wetland 3	0.000	Jurisdictional
Wetland 4	0.028	Jurisdictional
Wetland 5	7.170	Jurisdictional
Wetland 6	0.114	Jurisdictional
Wetland 7	0.268	Jurisdictional
Wetland Total	7.581	
Total Jurisdictional Features	7.581	



P:\2016 Projects\16-167-01-NAS Expansion - Permitting\Figures\Addendum\RW-16-167-01 Site Plan, Site Plan, Eric Bowman, 8/16/2018 3:39 PM

LEGEND

- PROJECT AREA
- JURISDICTIONAL WETLAND
- PROPOSED JURISDICTIONAL WETLAND IMPACT

NOTE: JURISDICTIONAL WATERWETLAND BOUNDARIES WERE DELINEATED AND SURVEYED USING GLOBAL POSITIONING SYSTEM EQUIPMENT BY REDWING WETLAND SCIENTISTS ON NOVEMBER 2 AND 3, 2016; AND APRIL 3, 2018. THESE BOUNDARIES WERE FIELD VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS ON JULY 17, 2018.



NORTH AMERICAN STAINLESS
EXPANSION NORTH OF U.S. 42 PROJECT
CARROLL COUNTY, KENTUCKY

REVISED DATE: 08-16-18 DRAWN BY: EDBBJD

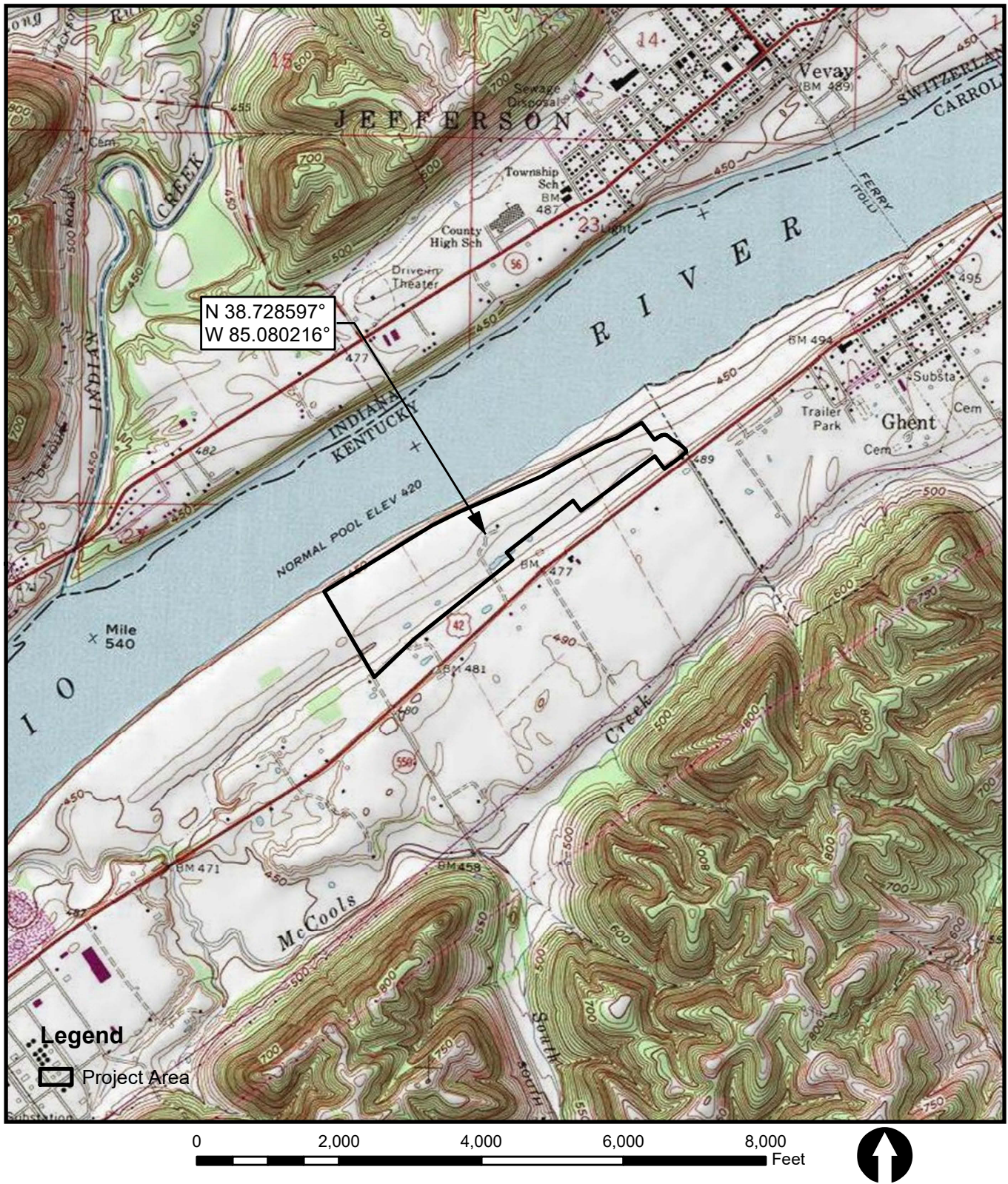


SOURCE: BASE MAP PROVIDED BY KENVIRONS

REVISED
SITE DEVELOPMENT
PLAN

FIGURE 2

Source: USGS 7.5-minute Topographic Map - Vevey South, Kentucky Quadrangle.



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NORTH AMERICAN STAINLESS
EXPANSION NORTH OF U.S. 42 PROJECT
CARROLL COUNTY, KENTUCKY

SITE LOCATION MAP

REVISED DATE: 05-17-18

DRAWN BY: BJD

FIGURE 1