

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

Public Notice

Public Notice No.
LRL-2003-1473

Date:
23 Aug 2018

Closing Date:
24 Sep 2018

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

Phone: 502-315-6693

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:

APPLICANT: Mr. Dennis Payne
Riverside Stone (Division of Yager Materials)
P O Box 2000
Owensboro, Kentucky 42302

AGENT: Mr. Dwayne Clemons
American Engineers, Incorporated
2500 Nelson Miller Parkway
Louisville, Kentucky 40223

LOCATION: Left bank of the Ohio River at Mile 676.5; 4800 Cedar Flat Road,
near Battletown, in Meade County, Kentucky 40104

7.5 Minute Quad: Leavenworth
Latitude: 38.12480
Longitude: -86.36359

PURPOSE: To establish a new barge cleaning/fleeting area, and maintenance dredging

DESCRIPTION OF WORK: The applicant proposes to add 5 new barge fleeting spaces (3 material barges and 2 crane barges) to the existing barge fleeting areas at this location to provide for barge cleaning operations. The barges would be secured primarily by two 14-inch diameter spuds driven into the river bottom and affecting 0.0001 acre. Additionally, two 4'x4' concrete deadman anchors would be buried 6 feet deep and would be located on the river bank above the Ordinary High Water (OHW) elevation of 393.2 feet Ohio River Datum (ORD). Two 1-inch steel cables would be tied to the deadman anchors to provide additional anchoring. The barge-mounted crane would scoop out the remaining coal residue from the empty coal barge and empty it into an adjoining barge. The original barge would then be cleaned and the residue pumped to

another adjoining barge, where a series of 3 limestone rock checks would filter out the coal residue. After passing through the last rock check in that barge, the water would be tested by an independent outside firm. If it passes the water quality standards, it would be pumped back into the river. If the residue doesn't pass the water quality standards test, it would be pumped back up to the other end of the barge to go through the rock check filtering system again. No coal or residue would be deposited on shore.

There is an existing barge cleaning area situated upstream of this location along the applicant's property, which will become a secondary or backup barge cleaning area once the new barge cleaning area is operational. Installation of the 5 new barges at the downstream end will bring the total number of barge fleeting spaces at this facility to 28.

The applicant also proposes to conduct annual maintenance dredging at the new fleet area (Fleeting Area 2 on the plans) Dredging would be conducted using the barge-mounted crane. Approximately 500 cubic yards of accumulated sediment would be removed annually, with upland disposal onsite at the quarry.

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

Gray Bat (*Myotis grisescens*)
Indiana Bat (*Myotis sodalis*)
Northern Long-eared Bat (*Myotis septentrionalis*)
Least Tern (*Sterna antillarum*)
Clubshell (*Pleurobema clava*)
Fanshell (*Cyprogenia stegaria*)
Northern Riffleshell (*Epioblasma torulosa rangiana*)
Orangefoot Pimpleback (pearlymussel) (*Plethobasus cooperianus*)
Purple Cat's Paw (=purple Cat's Paw Pearlymussel) (*Epioblasma obliquata obliquata*)
Rabbitsfoot (*Quadrula cylindrica cylindrica*)
Ring Pink (mussel) (*Obovaria retusa*)
Rough Pigtoe (*Pleurobema plenum*)
Sheepnose Mussel (*Plethobasus cyphus*)
Spectaclecase (mussel) (*Cumberlandia monodonta*)

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 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.

Regulatory Division
South Branch
Public Notice No. LRL-2003-1473-pjl

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. Pam Loeffler, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2003-1473-pjl.

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-2003-1473-pjl.

Example:

Subject: LRL-2003-1473-pjl

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

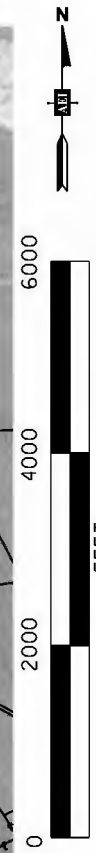
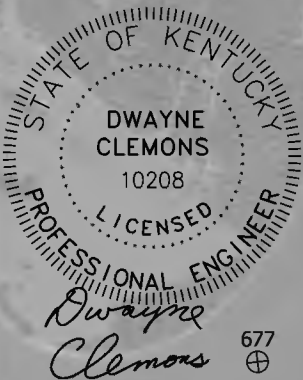
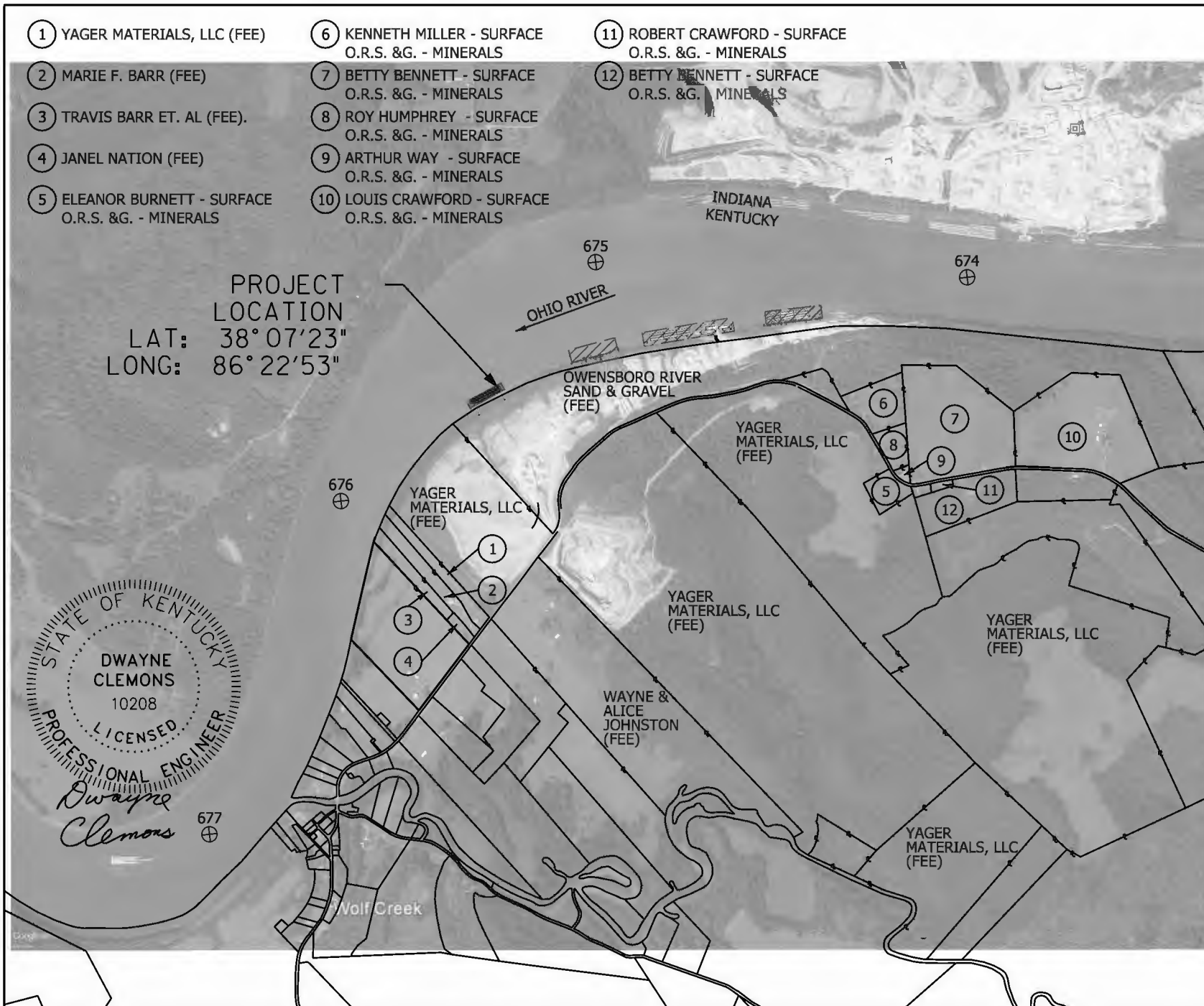
d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

- ① YAGER MATERIALS, LLC (FEE)
- ② MARIE F. BARR (FEE)
- ③ TRAVIS BARR ET. AL (FEE).
- ④ JANEL NATION (FEE)
- ⑤ ELEANOR BURNETT - SURFACE
O.R.S. &G. - MINERALS

- ⑥ KENNETH MILLER - SURFACE
O.R.S. &G. - MINERALS
- ⑦ BETTY BENNETT - SURFACE
O.R.S. &G. - MINERALS
- ⑧ ROY HUMPHREY - SURFACE
O.R.S. &G. - MINERALS
- ⑨ ARTHUR WAY - SURFACE
O.R.S. &G. - MINERALS
- ⑩ LOUIS CRAWFORD - SURFACE
O.R.S. &G. - MINERALS

- ⑪ ROBERT CRAWFORD - SURFACE
O.R.S. &G. - MINERALS
- ⑫ BETTY BENNETT - SURFACE
O.R.S. &G. - MINERALS

PROJECT
LOCATION
LAT: 38° 07' 23"
LONG: 86° 22' 53"



PREPARED FOR:
YAGER MATERIALS, LLC
4800 CEDAR FLAT ROAD
BATTLETOWN, KY 40104
PH.

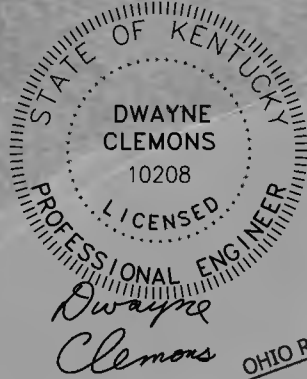
PROJECT NAME:
**YAGER MATERIALS, LLC
MEADE COUNTY QUARRY**
OHIO RIVER
RIVER MILE 675.4
MEADE COUNTY
BATTLTOWN, KENTUCKY

GRAPHIC SCALE
Corps ID. NO. 200301473-pji

AEI AMERICAN ENGINEERS, INC.
PROFESSIONAL ENGINEERS
2500 Nelson Miller Parkway
Batletown, KY 40104
Phone (607) 246-3923
Fax (607) 246-3914
www.aei.com

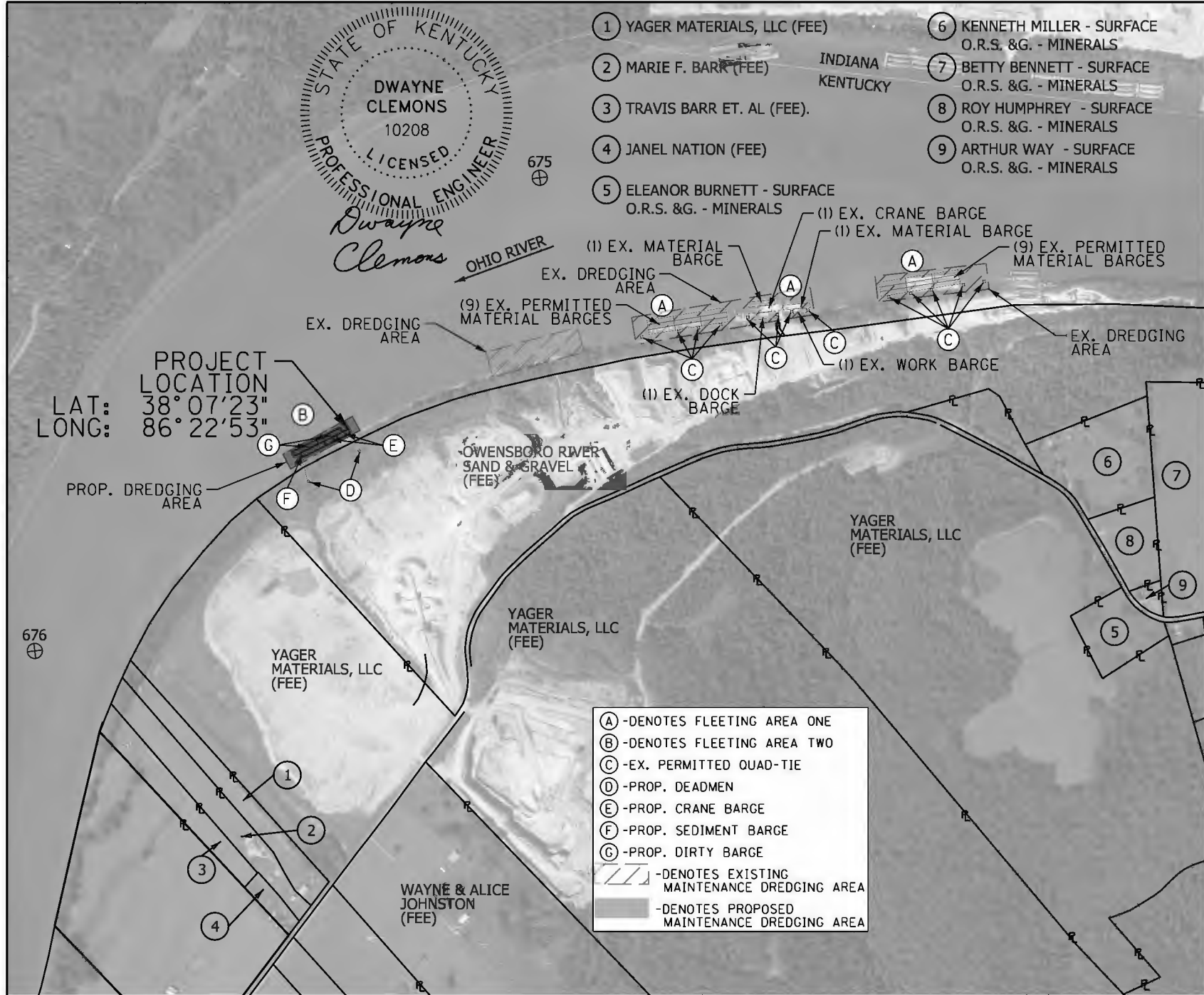
AS PROJECT NO. 215-284	DATE	REVISIONS
DRAWN BY DAS	DEC	1
DATE 08/02/2018	DEC	2
SCALE 1"=2000'	DEC	3
	DEC	4
	DEC	5
	DEC	6
	DEC	7

SHEET 1 OF 5



- ① YAGER MATERIALS, LLC (FEE)
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- ⑦ BETTY BENNETT - SURFACE O.R.S. &G. - MINERALS
- ⑧ ROY HUMPHREY - SURFACE O.R.S. &G. - MINERALS
- ⑨ ARTHUR WAY - SURFACE O.R.S. &G. - MINERALS

LAT: 38° 07' 23"
LONG: 86° 22' 53"



- (A) -DENOTES FLEETING AREA ONE
- (B) -DENOTES FLEETING AREA TWO
- (C) -EX. PERMITTED QUAD-TIE
- (D) -PROP. DEADMEN
- (E) -PROP. CRANE BARGE
- (F) -PROP. SEDIMENT BARGE
- (G) -PROP. DIRTY BARGE
- ▨ -DENOTES EXISTING MAINTENANCE DREDGING AREA
- -DENOTES PROPOSED MAINTENANCE DREDGING AREA

PROJECT ID. NO. 200301473-pji

PREPARED FOR:

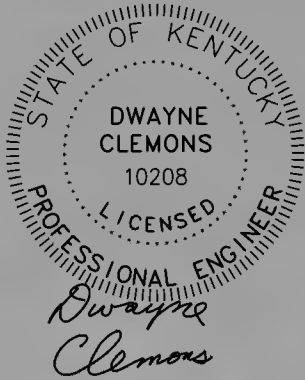
YAGER MATERIALS, LLC
4800 CEDAR FLAT ROAD
BATTLTOWN, KY 40104
PH.

PROJECT NAME:
**YAGER MATERIALS, LLC
MEADE COUNTY QUARRY**
OHIO RIVER
RIVER MILE 675.4
MEADE COUNTY
BATTLTOWN, KENTUCKY

NO.	REVISIONS	DATE
1		
2		
3		
4		
5		
6		
7		

DESIGNED BY: DCS
DATE: 08/02/2018
SCALE: 1"=1000'
SHEET: 2 OF 5

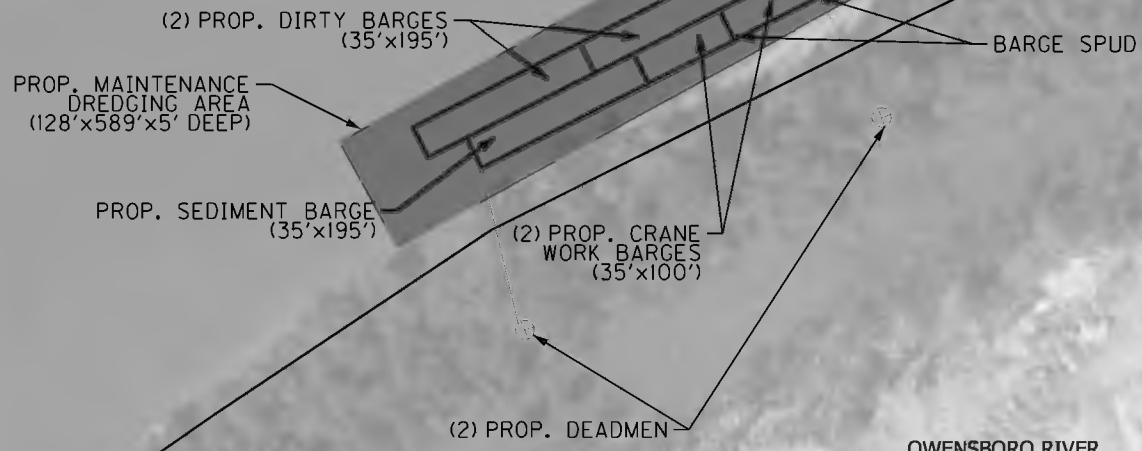
AMERICAN ENGINEERS, INC.
2500 Nelson Miller Parkway
Batletown, KY 40104
Tel: (607) 246-3913
Fax: (607) 246-3914
www.aei.com



OHIO RIVER

APPROX. 2350' BETWEEN
FLEETING AREA 2 AND
FLEETING AREA 1

PROJECT
LOCATION
LAT: 38° 07' 23"
LONG: 86° 22' 53"



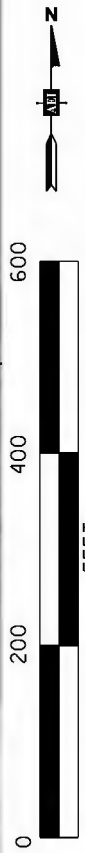
(2) PROP. DEADMEN

OWENSBORO RIVER
SAND & GRAVEL
(FEE)

PROP. MAINTENANCE
DREDGING AREA
(128'x589'x5' DEEP)

YAGER
MATERIALS, LLC
(FEE)

NOTE:
DREDGED MATERIAL TO BE DISPOSED
OF IN ABANDONED UNDERGROUND
MINE AREA. NO CONTAINMENT NEEDED.



PREPARED FOR:
YAGER MATERIALS, LLC
4800 CEDAR FLAT ROAD
BATLETOWN, KY 40104
PH.

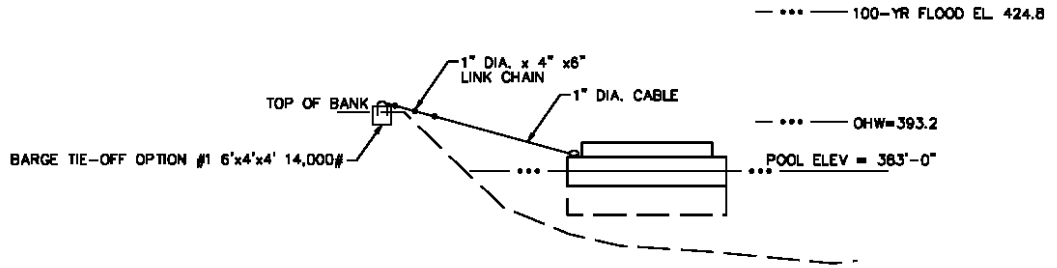


FLEETING
AREA 2

PROJECT NAME:
YAGER MATERIALS, LLC
YAGER COUNTY QUARRY
OHIO RIVER
RIVER MILE 675.4
MEADE COUNTY
BATLETOWN, KENTUCKY

NO.	REVISIONS	DATE
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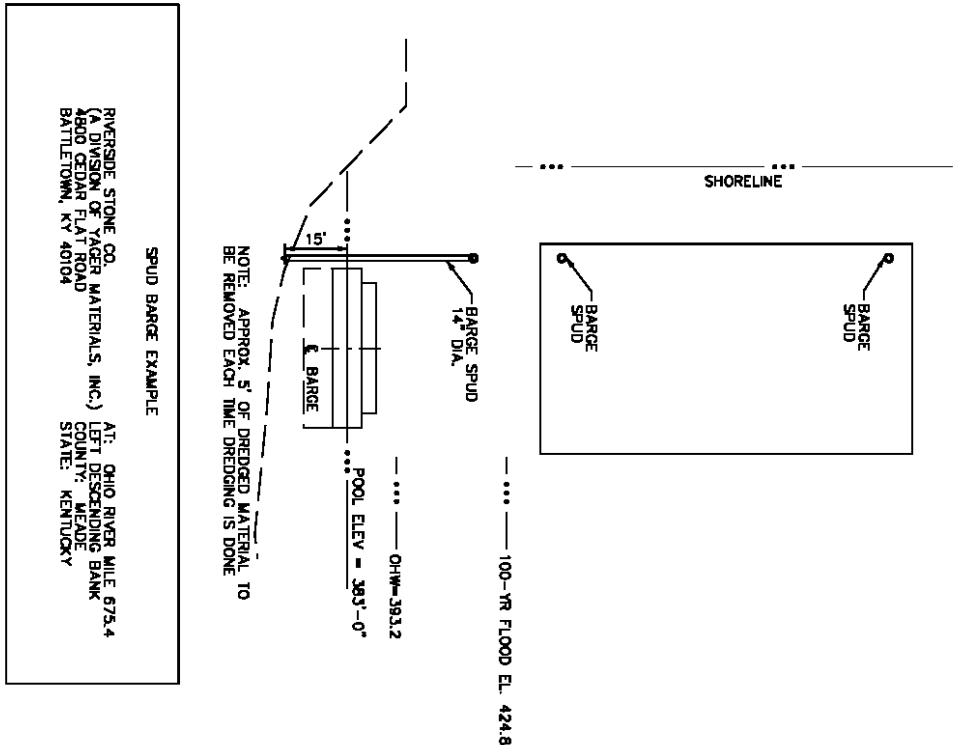
PROJECT NO. 215-284	DESIGNED BY DAS	DATE 08/02/2018	SHEET 4 OF 5
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BARGE TIE-OFF "DEADMAN" EXAMPLE

RIVERSIDE STONE CO.
(A DIVISION OF YAGER MATERIALS, INC.)
4800 CEDAR FLAT ROAD
BATTLETOWN, KY 40104


AT: OHIO RIVER MILE 675.4
LEFT DESCENDING BANK
COUNTY: MEADE
STATE: KENTUCKY



RIVERSIDE STONE CO.
(A DIVISION OF YAGER MATERIALS, INC.)
4800 CEDAR FLAT ROAD
BATTLETOWN, KY 40104

AT: OHIO RIVER MILE 675.4
LEFT DESCENDING BANK
COUNTY: MEADE
STATE: KENTUCKY

Corps ID. NO. 200301473-pjl

AD PROJECT NO: 215-284	REVISIONS	DATE	PROJECT NAME: YAGER MATERIALS, LLC MEADE COUNTY QUARRY OHIO RIVER RIVER MILE 675.4 MEADE COUNTY BATTLETOWN, KENTUCKY	PREPARED FOR: YAGER MATERIALS, LLC 4800 CEDAR FLAT ROAD BATTLETOWN, KY 40104 PH:	DETAILS	 AMERICAN ENGINEERS, INC. <small>2500 Nelson Millar Parkway Louisville, KY 40223 (502) 245-3814 Fax: (502) 245-3814 www.aei.cc</small>
DRAWN BY: DAS	1					
CHECKED BY: DCC	2					
DATE: 08/02/2018	3					
SCALE: N.T.S.	4					
SHEET: 5 OF 5	5					
	6					
	7					