

Public Notice

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

Public Notice No.
LRL-2018-43-mck

Date:
25 Apr 2018

Closing Date:
25 May 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: 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 Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: Nugent Sand Company
1833 River Road
Louisville, Kentucky 40206

LOCATION: Ohio River, left bank at mile 552.5, Trimble County, Kentucky

Latitude: 38.7375° N
Longitude: 85.285278° W

PURPOSE: To replace an antiquated off-loading system with a more efficient and safe design.

DESCRIPTION OF WORK: The applicant proposes to replace an existing off-loading system used for the cleaning of barges, with a new system. The proposal would include the removal of the existing system, which is comprised of a barge, conveyor and a dolphin. The proposal includes the construction of a cell using sheet piling along approximately 105 linear feet of the bank. The piling would be driven approximately 13 feet into the river bottom to a top elevation of 445 Ohio River Datum (ORD). Approximately 2,318 cubic yards of clean fill (sand, gravel and dirt) from the applicants existing pit would be placed below the ordinary high water mark (OHWM) elevation of 435.0 ORD, as back fill for the construction of the cell. A dense grade aggregate would be used to cap the cell. The existing conveyor would be replaced by a new excavator and a shorter conveyor to remove the small amounts of coal from the barges during the cleaning process. Two dolphins would be installed immediately upstream and downstream of the proposed cell to provide additional support for the barges. A series of winches would be used to move the barges along the new dock during the cleaning and unloading process. During the cleaning process, excavated coal and water would be placed in an existing onsite pond to settle. The clean water would be pumped via a temporary pump to the Ohio River.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: Proposed impacts have been minimized to the maximum extent possible for the applicant to achieve their purpose. No mitigation proposal has been submitted as part of this application.

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 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

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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 Meagan Knuckles, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2018-43-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-2018-43-mck

Example:

Subject: LRL-2018-43-mck

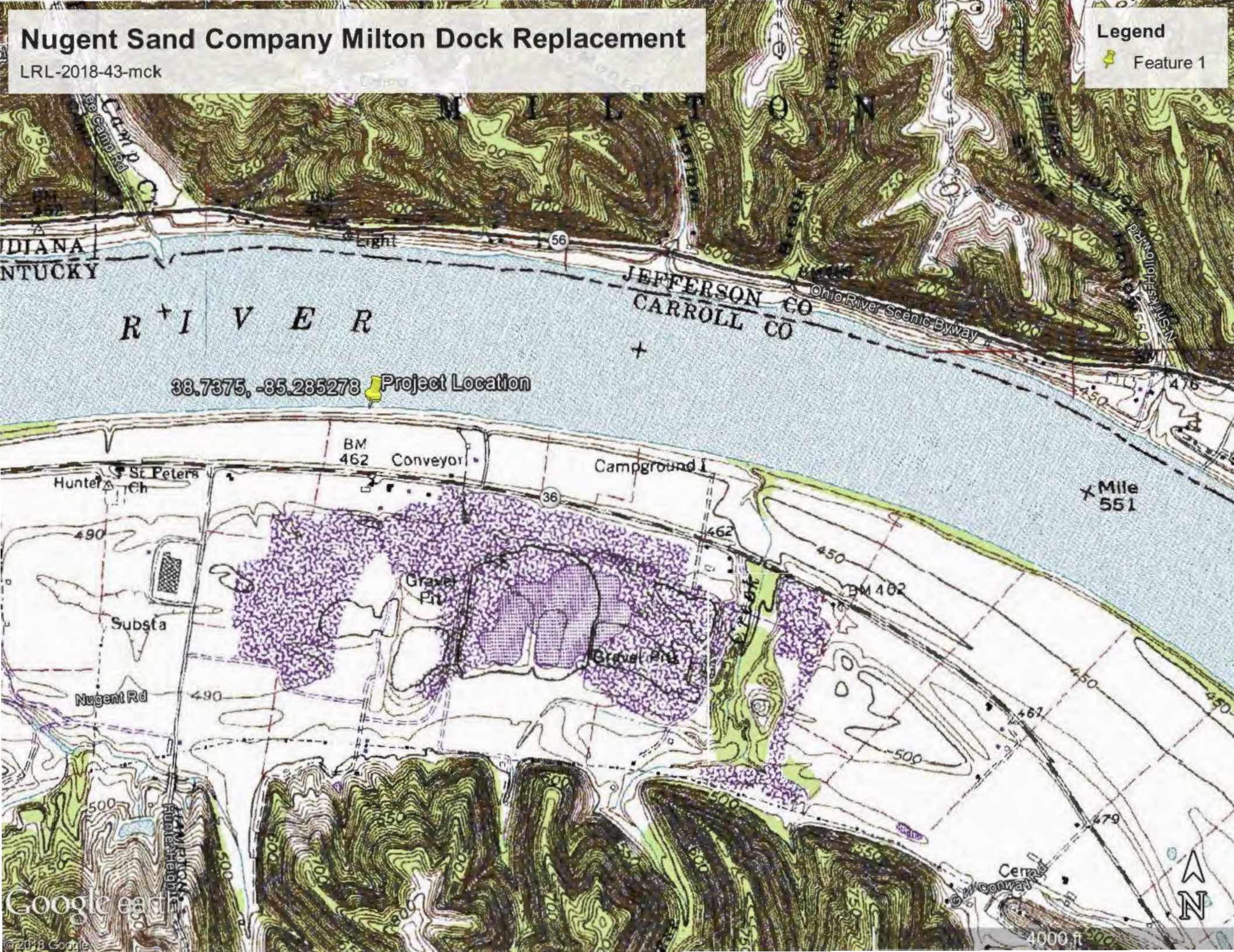
- b) Provide your physical mailing address and telephone number.
- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

Nugent Sand Company Milton Dock Replacement

LRL-2018-43-mck

Legend

Feature 1



38.7375, -85.235278 Project Location

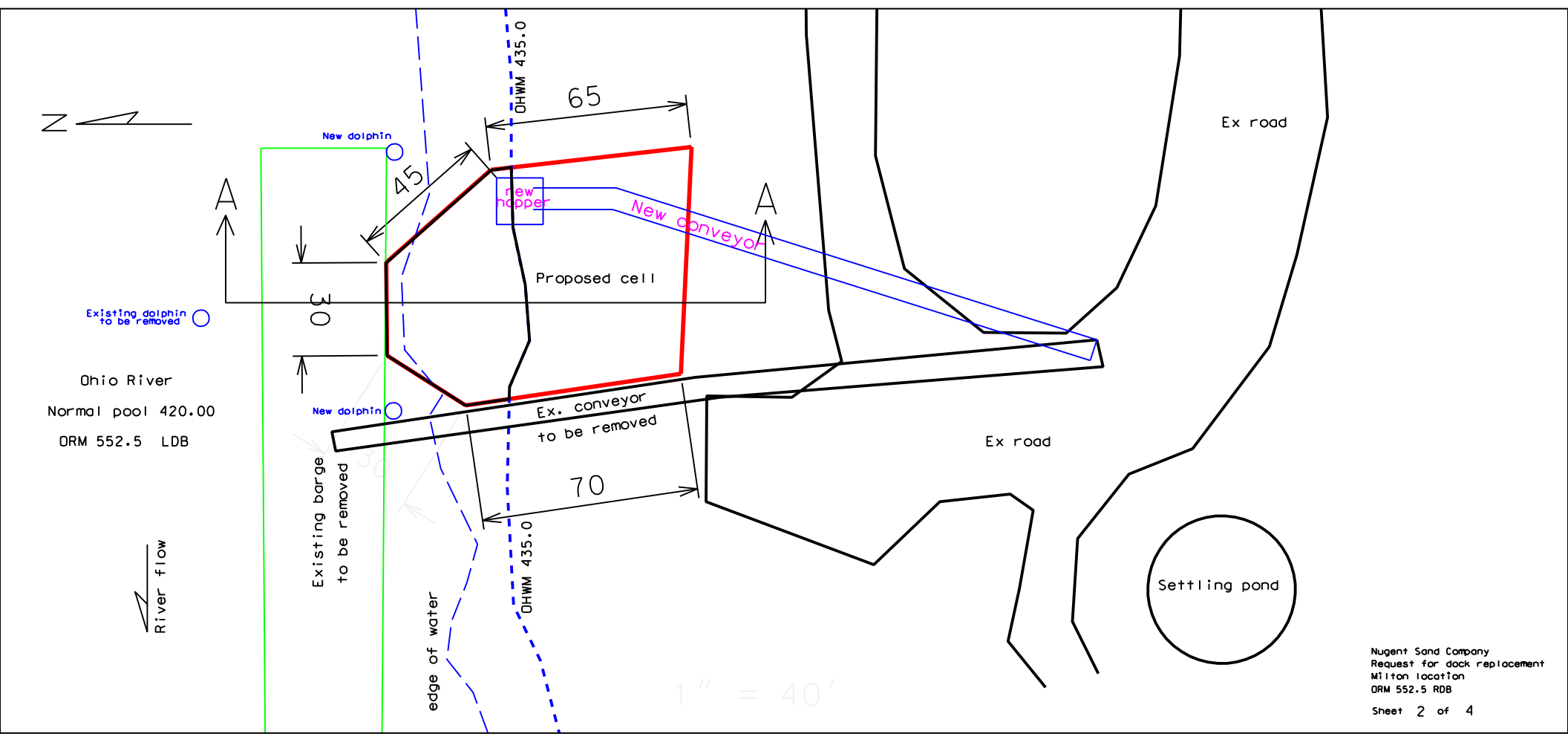
Mile 55.1

4000 ft



Google

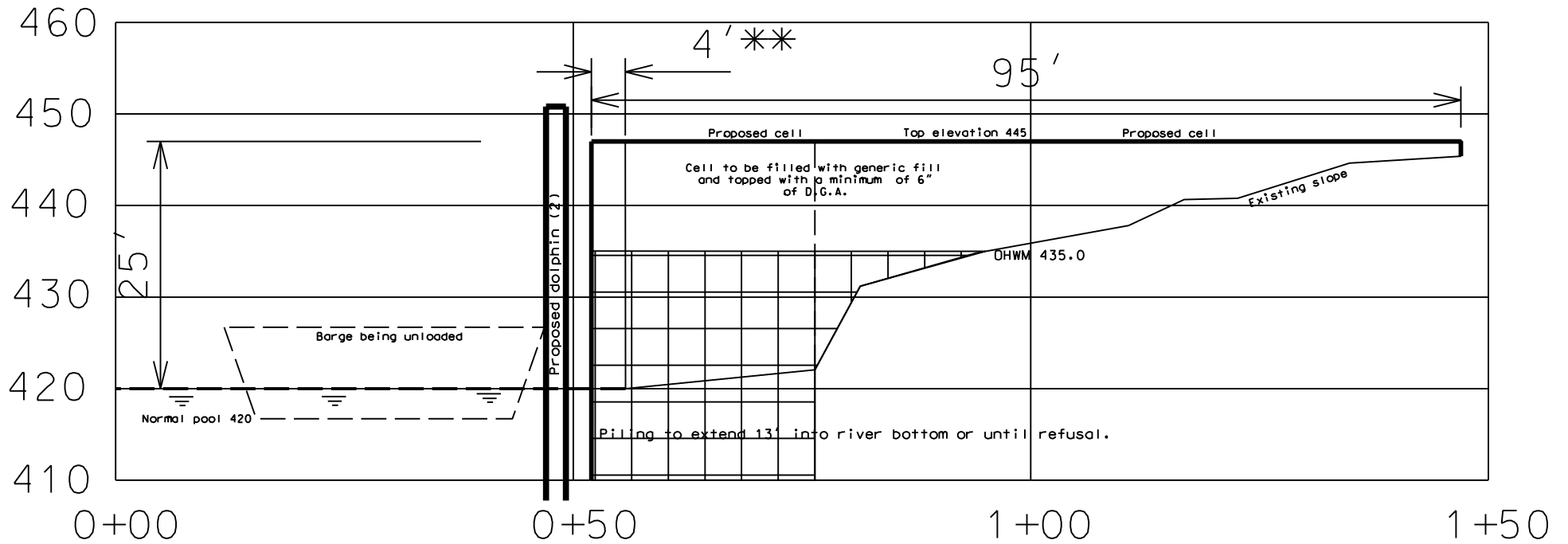
©2018 Google



Nugent Sand Company
 Request for dock replacement
 Milton location
 ORM 552.5 RDB
 Sheet 2 of 4

...\\milton\milton dock plan.dgn Mar. 29, 2018 12:55:30

Nugent Milton Proposed Dock
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 Sheet 2 of 4



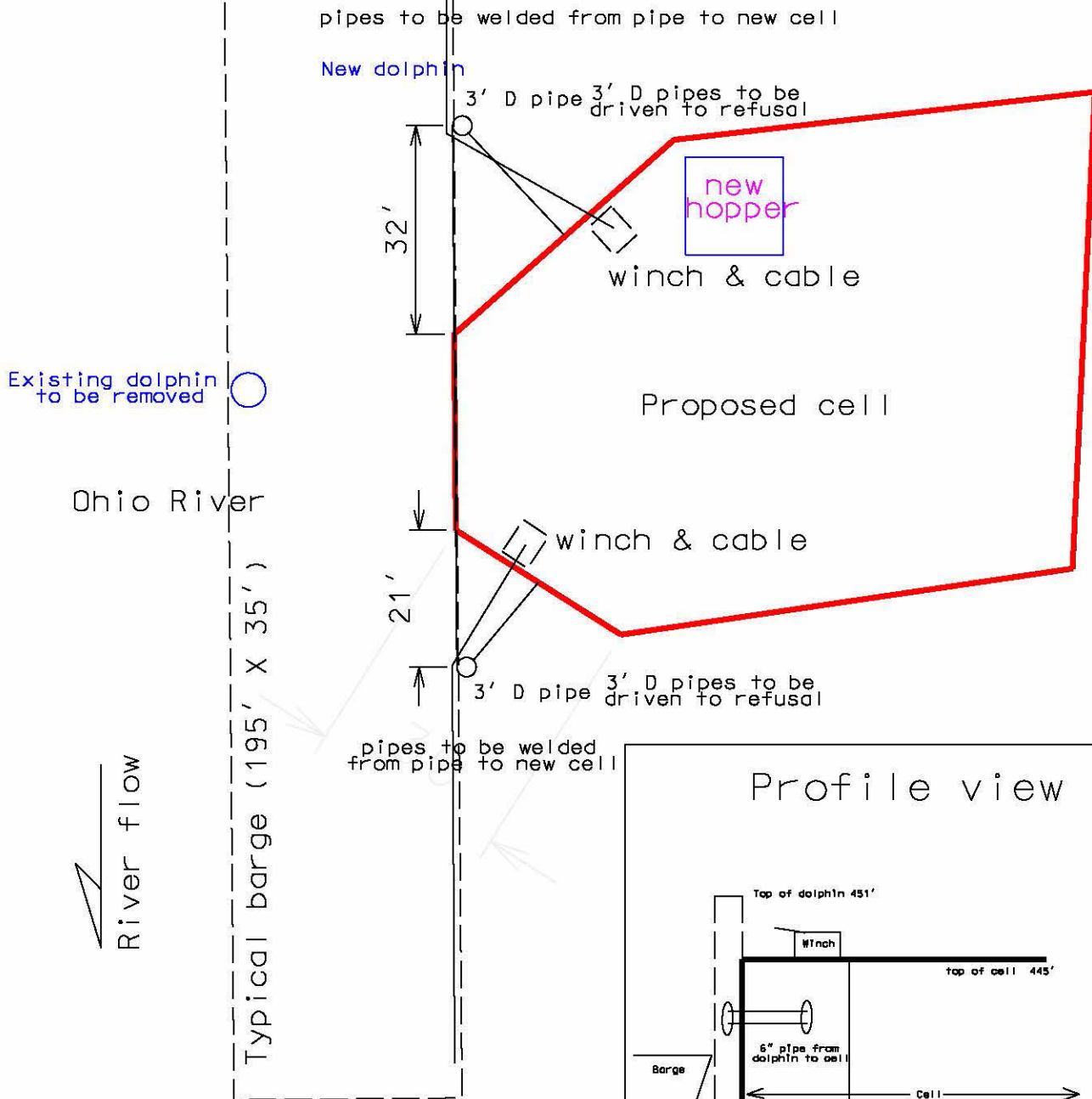
** 7' Maximum projection
into river from new cell

 Area of fill below OHWM
2,318 cu yds fill

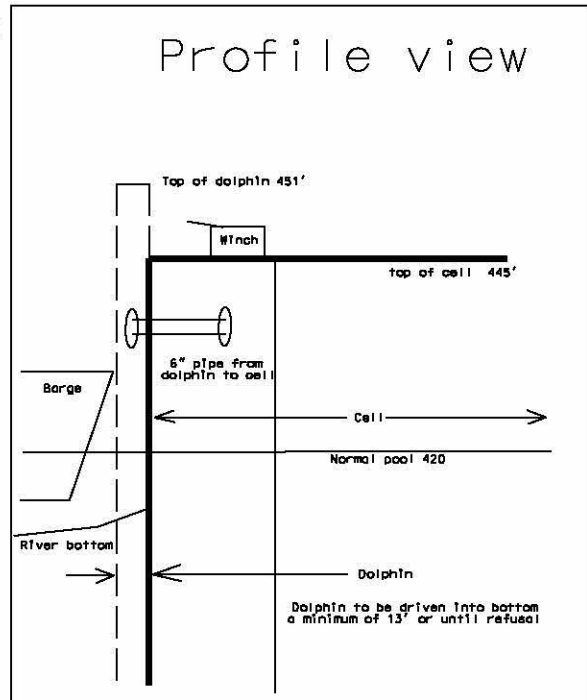
Nugent Sand Company
Request for dock replacement
Milton location

Sheet 3 of 4

Plan view



Profile view



Nugent Milton Proposed Dock
 Corps ID No. LRL-2018-43-mck
 Sheet 4 of 4

Nugent Milton
 proposed dock
 Detail sheet for
 fleeting arrangement