



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

Public Notice

Public Notice No.
LRL-2018-632-let

Open Date:
22 Jan 2019

Close Date:
21 Feb 2019

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

Phone: 502-315-6714

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act (CWA) and for a State Water Quality Certification pursuant to Section 401 of the CWA from the Kentucky Energy and Environment Cabinet, Division of Water.

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

LOCATION: Ohio River 551.5 to 554.7 in Carroll County, Milton, Kentucky.

Latitude: 38°-44'-19"
Longitude: 85°-17'-48"
7.5 Minute Quad: Madison East, Indiana

PURPOSE: Commercial sand and gravel dredging.

DESCRIPTION OF WORK: The applicant proposes to conduct sand and gravel dredging within the Ohio River from River Miles 551.5 to 554.7. Specifically, over a ten (10) year period, the applicant would remove approximately 600,000 tons of material per year from approximately 512-acres of river bottom via hydraulic suction dredging. The applicant proposes to dredge the sand and gravel using 6 barges that would be moved into position by a tugboat. The configuration for the dredging operations would consist of one (1) 138' x 53' *Dredge Barge* with one (1) attached 120' x 20' *Ladder Barge* in front and one (1) 195' x 35' *Anchor Flat Barge* in back. The dredge barge (attached to the anchor and ladder barges via 5/8" steel cable) would be secured to the river bottom via a combination of Danforth anchors at the head and tail of the floating facility. Additionally, three (3) 195' x 35' *Deck Barges* would be used for loading and transport of the extracted dredged material. One deck barge would be filled with stone/gravel and the other two deck barges would be filled with sand. The proposed dredging project would maintain a 300 foot buffer from the sailing line, would be conducted to a depth of approximately 65 to 70 feet and would occur only in Kentucky waters.

The proposed dredging operation would use an 85' chain ladder with submerged pump technology. This submerged pump technology allows the materials to be classified and segregated and eliminates the need for land-based gradation facilities. The material would then be loaded onto one of three deck barges and moored at the existing Milton Facility, which is located in Milton, Kentucky at Ohio River Mile 552.

See attached *Figures 1-4* for the details of these proposed actions.

The District's Letter of Permission (LOP) for commercial sand and gravel dredging (LRL-2004-657) was unavailable for this project as Ohio River Mile 551.5 to 554.7 lies within an LOP exclusion zone.

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 on this project until an Individual Water Quality Certification is issued.

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 sodalis</i>
Northern Long-eared Bat	<i>Myotis septentrionalis</i>
Clubshell	<i>Pleurobema clava</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</i>
Rabbitsfoot	<i>Quadrula 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>

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.

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, prehistorical, 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).

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.

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/Public-Notices/>. All comments regarding this proposal should be addressed to, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2018-632-let.

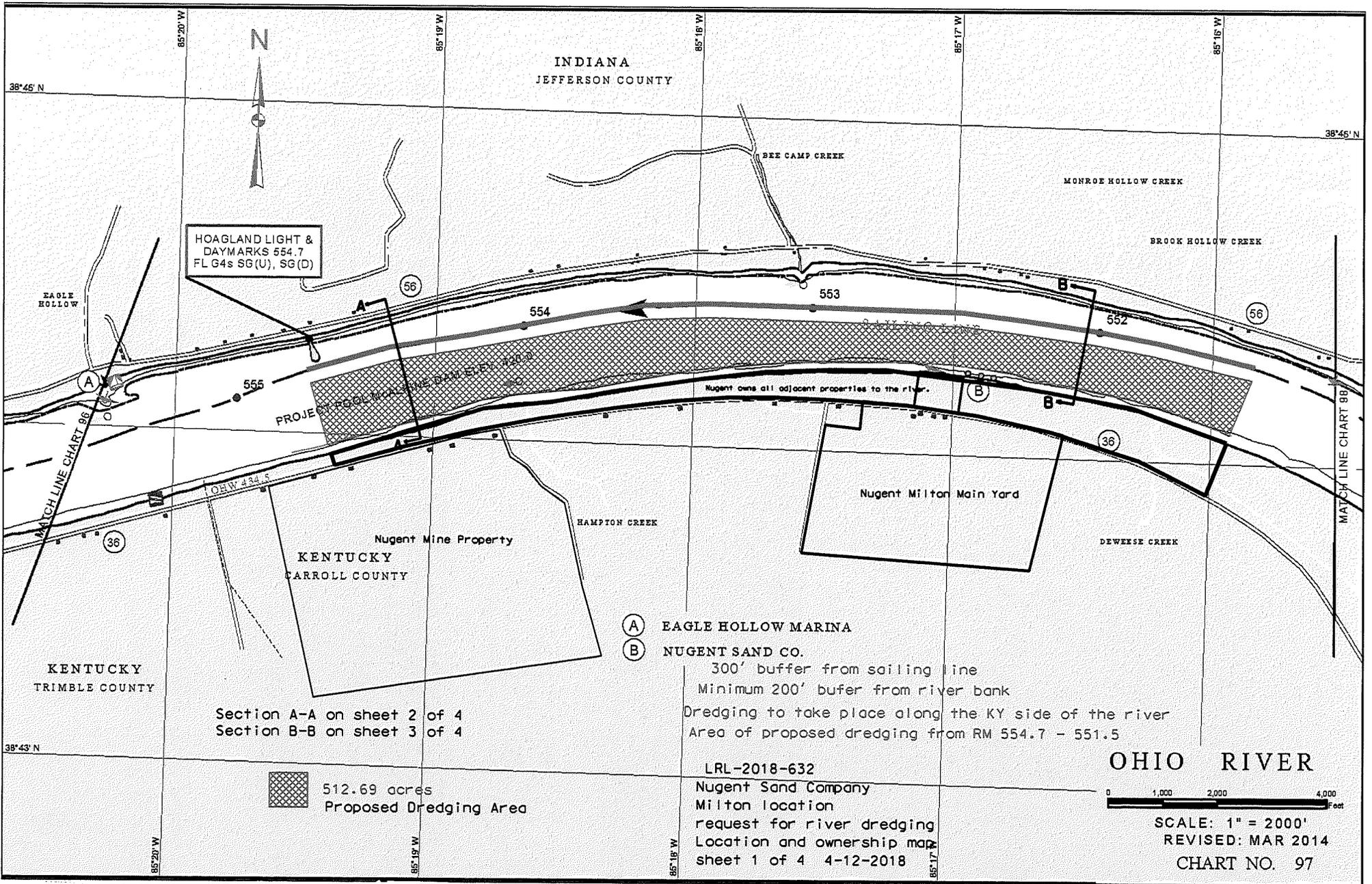
Regulatory Division
North Branch
Public Notice No. LRL-2018-632-let

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

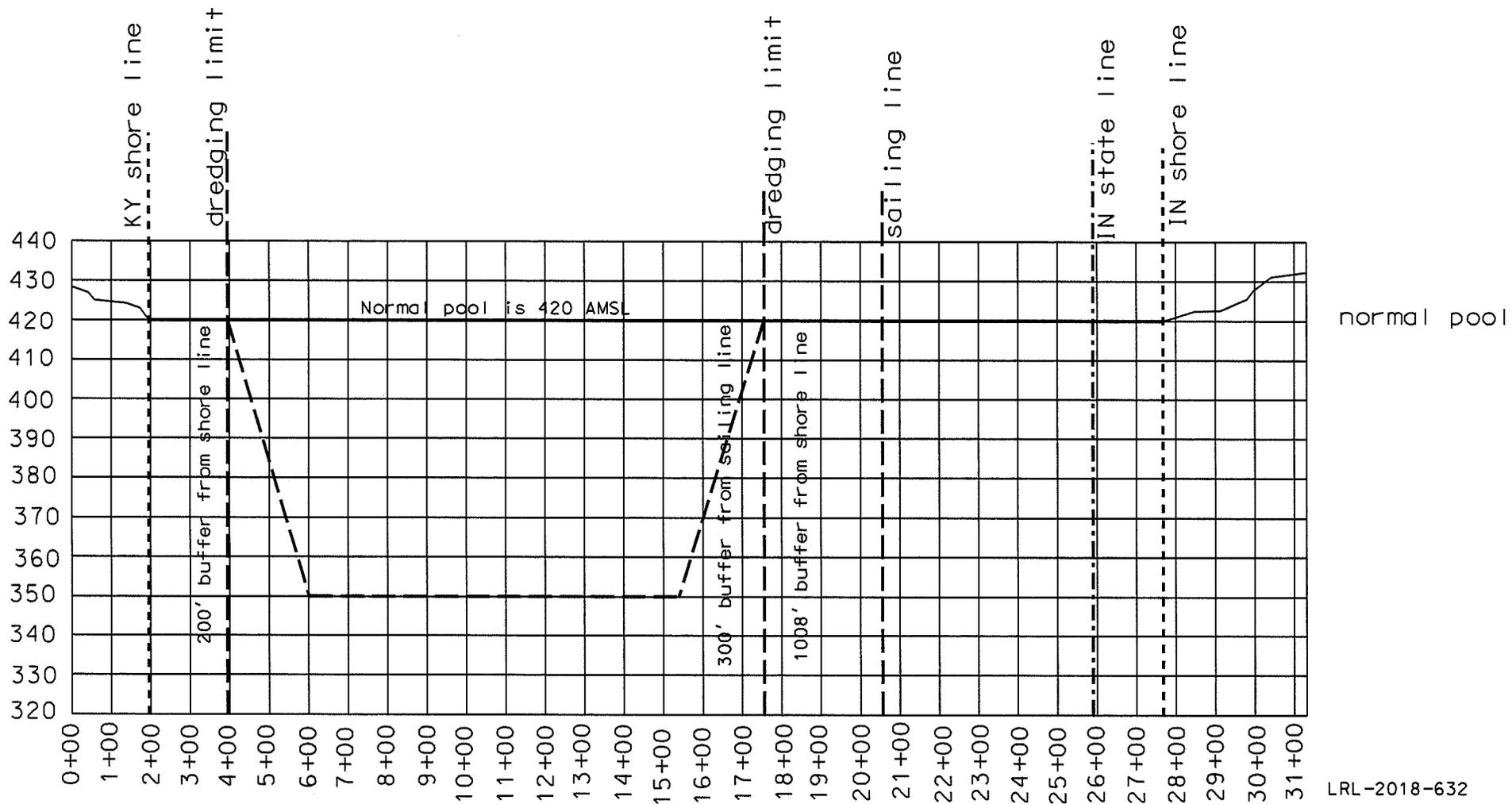
- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2018-632-let.

Example: LRL-2018-632-let

- 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.



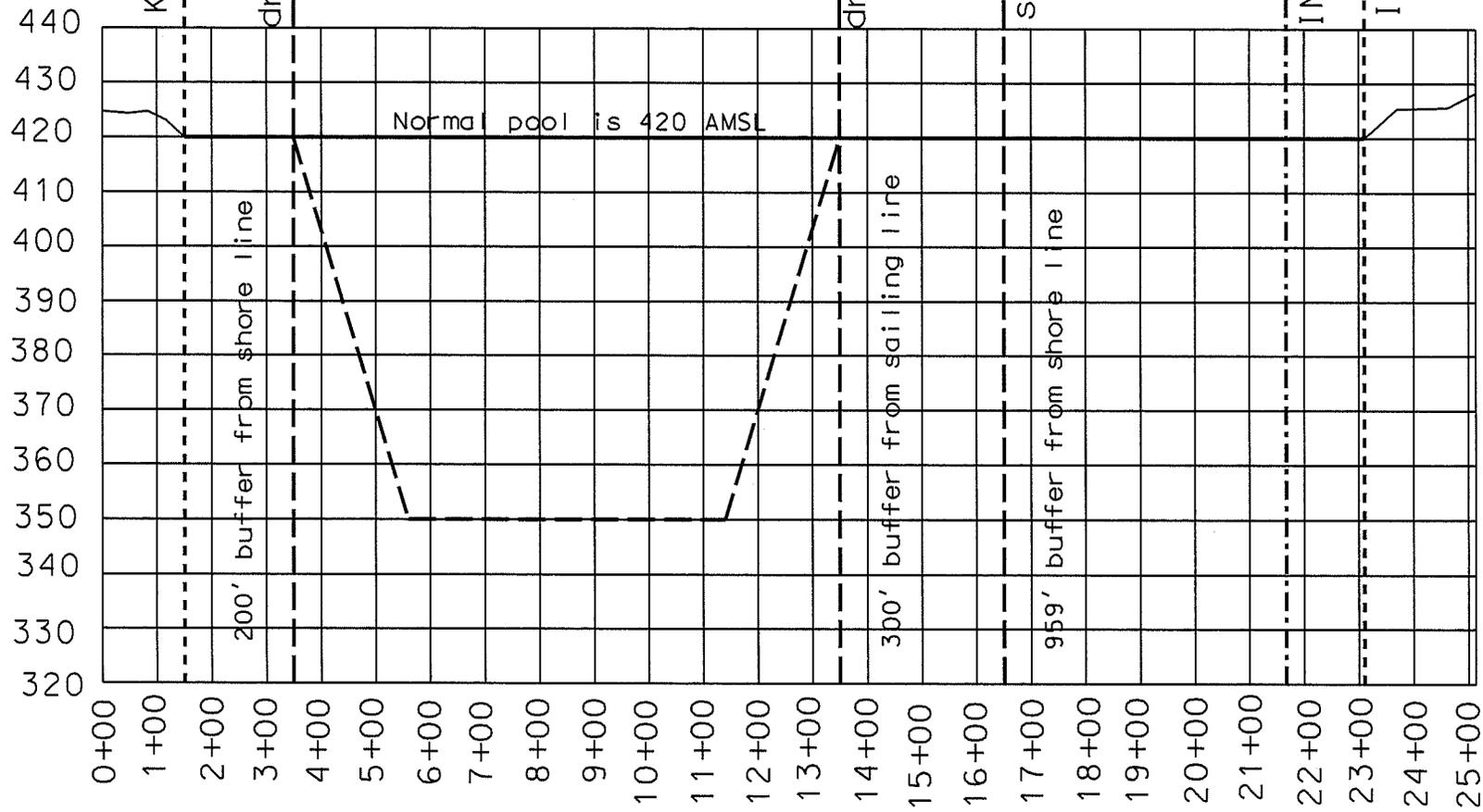
LRL-2018-632
Figure 1 of 4



Section A-A

Elevations and distance are in ft.

LRL-2018-632
 Nugent Sand Company
 Milton location
 request for river dredging
 section A-A
 sheet 2 of 4 4-12-2018



Section B-B

Elevations and distance are in ft.

LRL-2018-632
 Nugent Sand Company
 Milton location
 request for river dredging
 section B-B
 sheet 3 of 4 4-12-2018

