



Public Notice

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

Public Notice No.
LRL-2017-565-anr

Open Date:
Sep 07, 2017

Close Date:
Oct 09, 2017

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

Phone: 502-315-6681

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 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 601.7 in Louisville, Jefferson County, Kentucky

Latitude: 38.27068
Longitude: -85.72005
7.5 Minute Quad: IN-Jeffersonville

PURPOSE: To dredge an area for adequate depth to unload barges at the facility.

DESCRIPTION OF WORK: The applicant has requested a 10-year maintenance dredging permit to retain enough depth to allow barges to be brought close enough to the riverbank to unload material at their sand and gravel facility. Initially, approximately 3,300 cubic yards (CY) of sediment would be removed from a 0.67-acre area (416 feet long by 70 feet wide by 11 feet deep) along the bank. Maintenance dredging would be conducted a maximum of four (4) times annually, removing a maximum of 1,000 CY of sediment via scraper dredge with in-river disposal, pulling the sediment from the shoreline out to the thalweg where the current would disperse the particulates.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant stated that dredging would be performed a maximum of four times annually and only as needed in any given year, and that 1,000 CY is a worst-case scenario. The applicant has not provided any mitigation measures for the work proposed at this time.

It is noted that the lack of a 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 will be examined for properties currently listed on the Register that 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.

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 Mr. Andrew Roberts, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2017-565-anr.

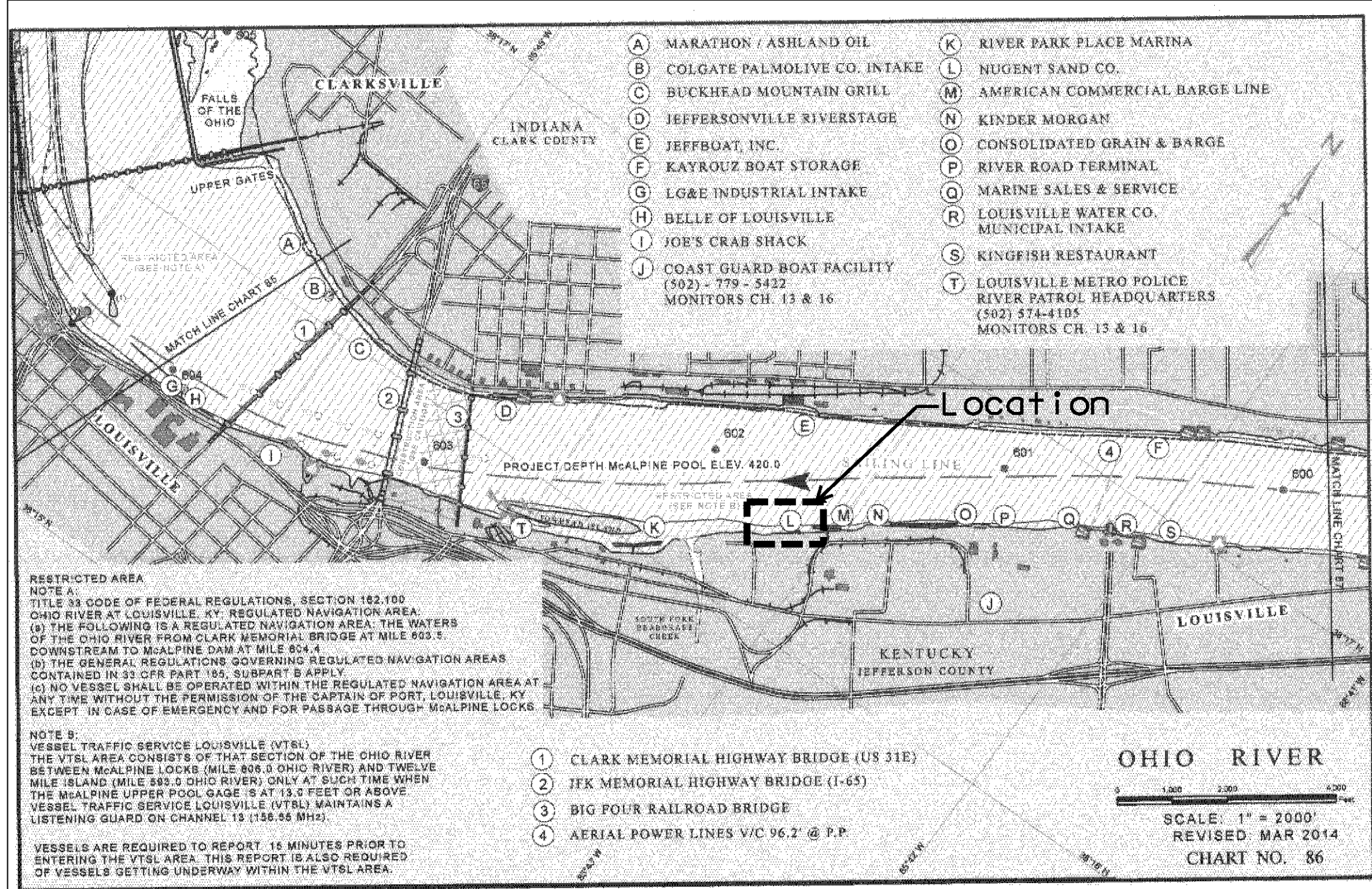
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-565.

Example:

Subject: LRL-2017-565-anr

- 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.



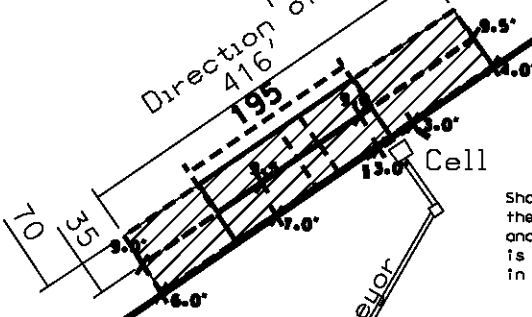
Nugent Sand Company location map
 LRL-2017-565-ANR
 Proposed scraping area

Ohio River
RM 601.7

Lat. 38.27068
Long. 85.72005

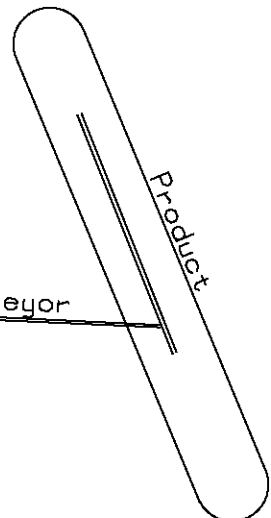
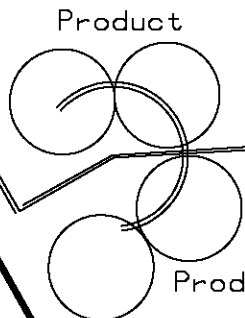
sailing line

Direction of scraping
416



Cell

Shown is the maneuvering area of the barges as they are being unloaded and switched out. Minimum depth needed is 9' of water with 11' of water preferred in case of low water conditions.



conveyor

Louisiana Dock Road

Eva Bandman Park
City of Louisville



Requested scraping area

4.0' Depths at that location

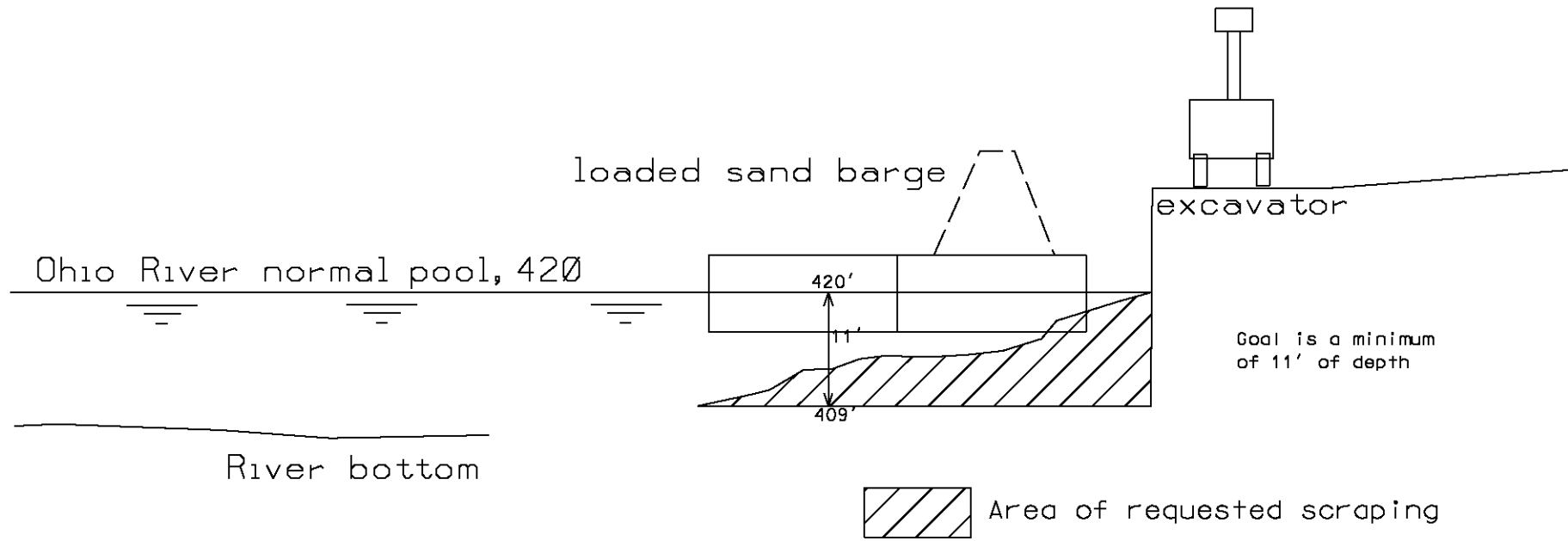


Property Line

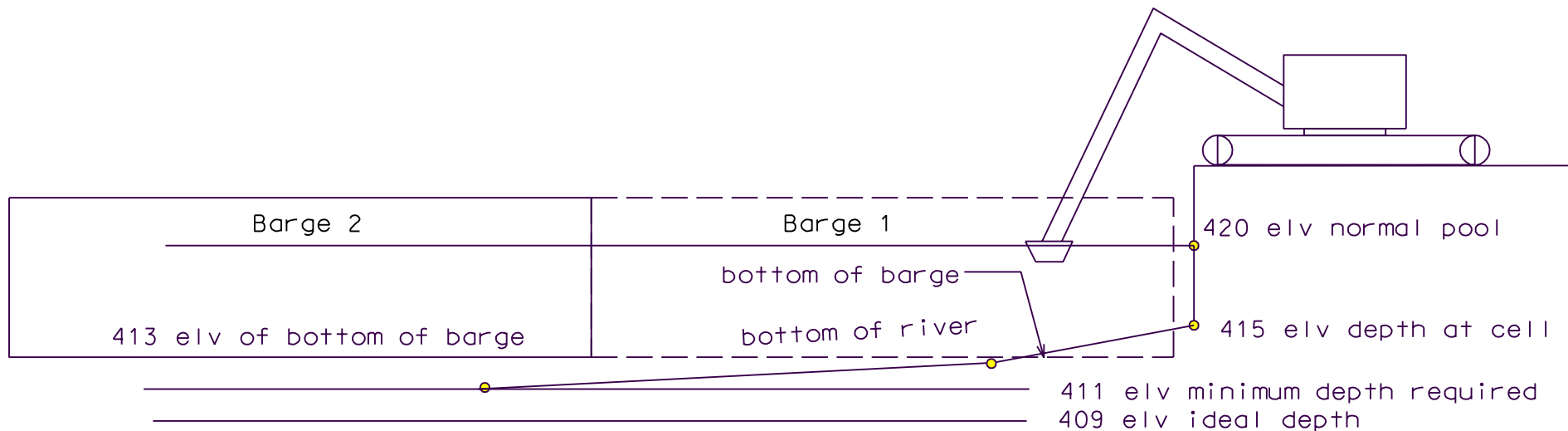


NSC Louisville Proposed River Maintenance Scraping Area LRL-2017-565-ANR	
DWN: R. Holt	DATE: 6/10/2014 rev. 7/10/2017
SCALE: 1" = 200'	Pg 2 of 4

River Road



Nugent Sand Company profile view
 Proposed scraping area
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 No scale
 5/14/2017 Pg 3 of 4



Initial scraping amounts

- (1) barge width from river to elv 411 1326 cu yds
 - (1) barge width from river to elv 409 2603 cu yds
 - (2) barge widths from river to elv 411 1375 cu yds
 - (2) barge widths from river to elv 409 3259 cu yds
- We would expect additional scraping to be under
200 cy yds done every few months

Nugent Sand Company
scraping permit
profile
LRL-2017-565-ANR
1"=10'

5/14/2017 Pg 4 of 4