



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200100545-1

Issuance Date:

January 4, 2006

Stream:

Ohio River MP 259.5

Closing Date:

February 3, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Ohio Valley Electric Corporation
Post Office Box 81
Gallipolis, Ohio 45631-0081

LOCATION: The proposed project is located along the right descending bank of the Ohio River, 259.5 miles downstream of Pittsburgh, Pennsylvania, at the existing Kyger Creek Electric Generating Station near Cheshire, Gallia County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant is requesting authorization for impacts to the Ohio River associated with the implementation of Powder River Basin (PRB) coal conversion project and a Flue Gas Desulfurization (FGD) retrofit project at the existing coal-fired Kyger Creek Electric Generating Station. Under this proposal the applicant has indicated low sulfur PRB coal would be off-loaded for use at the facility. The facility would also be retrofitted with a FGD system to comply with Clean Air Act Regulations.

Operation of the proposed FGD system would require a limestone reagent. The applicant has indicated additional mooring cells are necessary to accommodate the receiving and unloading of the limestone needed to operate the FGD system and to accommodate the delivery of PRB coal. Implementation of the proposal would include the installation of seven new mooring and unloading cells within the Ohio River as follows:

- One 42.5' diameter anchor cell for the PRB project;
- Four 18.67' diameter mooring cells for the PRB project;
- One 40' diameter crane cell for the FGD project;
- One 30' diameter hopper cell for the FGD project.

All cells would be constructed of driven sheet piling and would be backfilled with granular material and capped with concrete slab.

The proposed mooring cells would be located along the same breasting line as existing mooring cells at the facility and would afford additional mooring capacity for PRB delivery. The proposed anchor cell would be located 65 feet riverward from an existing anchor cell. A T-barge (floating anchor barge) would be moored between the existing and proposed anchor cells.

In addition to the crane and hopper cells proposed for the FGD project, the applicant is also requesting authorization for the installation of an access bridge to the proposed crane cell, a maintenance platform between the proposed crane cell and the hopper cell, and a limestone conveyor system. The proposed access bridge would be 150 feet long and 6 feet wide and would be used for operation and maintenance access. Construction of the access bridge would include the installation of two supporting structures within the Ohio River.

The proposed limestone conveyor system would allow the transfer of limestone from the barges to the facility. Construction of the limestone conveyor system would include the installation of two supporting structures within the Ohio River.

Implementation of the proposal would include the placement of approximately 6,833 cubic yards of fill material below the ordinary high water mark of the Ohio River. Implementation of the proposal would not increase the maximum riverward extension of the permitted mooring area at this location. Plans of the proposal are attached to this notice.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (E); pink mucket pearly mussel (E); fanshell mussel (E), and the sheepsnose mussel (C).

Implementation of the proposal would include the removal of approximately 0.3 acres of mature trees from the riparian corridor of the Ohio River. At this time, our office does not have enough information to determine if this tree-cutting would include the removal of any suitable roosting trees for the Indiana bat; however, provided the applicant does not clear suitable habitat trees during the designated roosting period of April 15th to September 15th, this office has preliminarily determined implementation of the proposal may affect, but would not adversely affect the Indiana bat.

The proposal would impact areas that may contain suitable habitat for the pink mucket pearly mussel, fanshell mussel, and the sheepsnose mussel. The applicant has indicated they have conducted a mussel survey for this proposal. The applicant has indicated they will be furnishing our office with a copy of the report documenting the finding of this survey when it is complete. The results of this survey will be used to determine if the proposal would affect the aforementioned mussel species.

This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

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. 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.

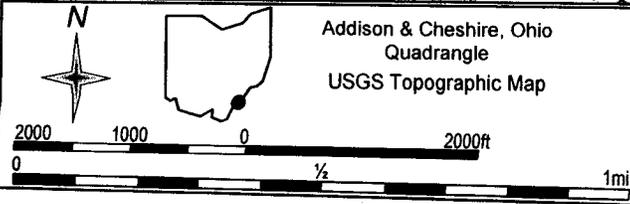
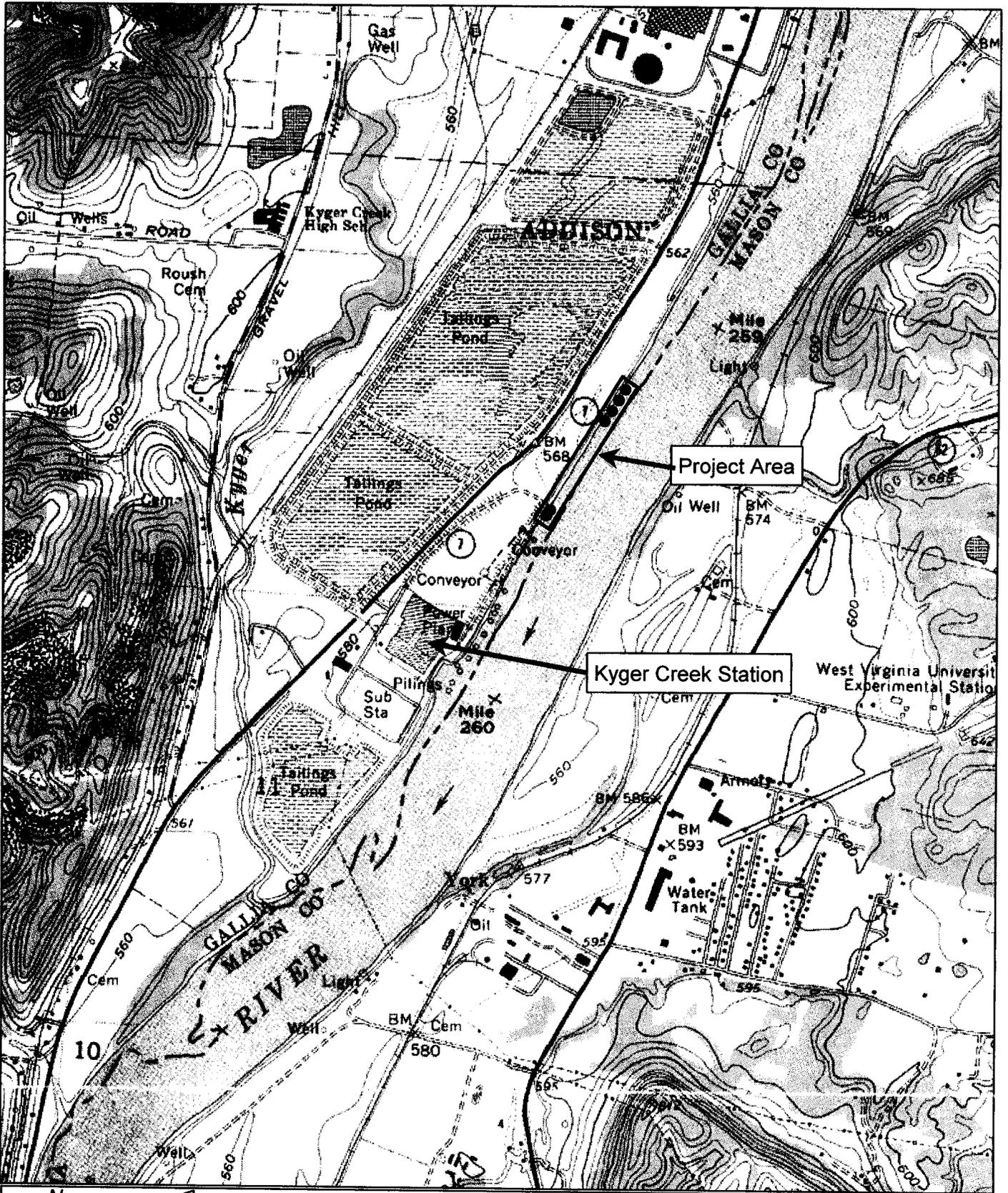
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 20100545-1
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.


Ginger Mullins
Chief, Regulatory Branch

(O,W)

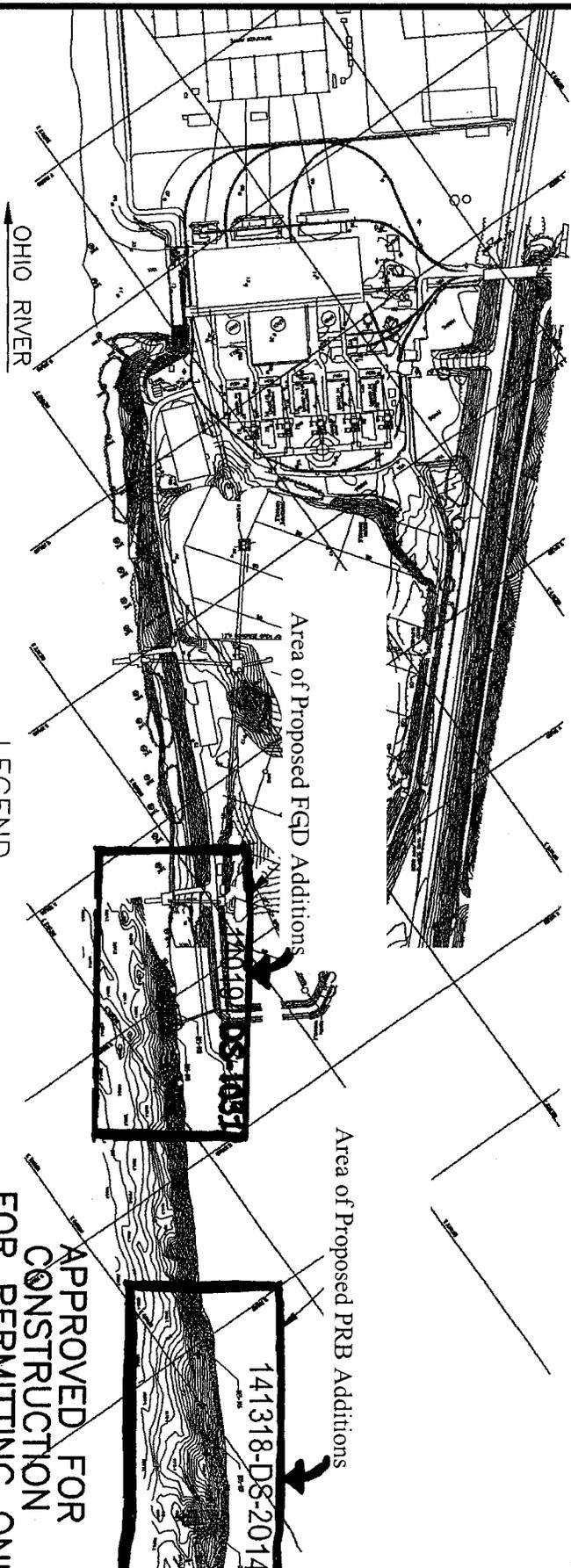
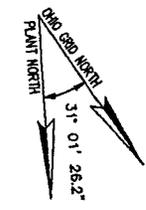


Addison & Cheshire, Ohio
 Quadrangle
 USGS Topographic Map

Kyger Creek Station

PRB Coal Conversion and FGD
 Retrofit Project

Ohio Valley Elec. Corp. – Kyger Creek Station
 200100545-1 - Ohio River 259.5
 Gallia County, Ohio
 Overall Location Map
 Sheet 1 of 4



- LEGEND**
- ⊗ EXISTING 18'-8" ϕ \pm MOORING CELL
 - ⊗ EXISTING 42'-6" ϕ \pm ANCHOR CELL
 - ⊕ PROPOSED 18'-8" ϕ \pm PRB MOORING CELL
 - ⊕ PROPOSED 42'-6" ϕ \pm PRB ANCHOR CELL
 - ⊗ EXISTING 15'-3" ϕ \pm MOORING CELL
 - ⊕ PROPOSED 30'-0" ϕ \pm FGD HOPPER CELL
 - ⊕ PROPOSED 40'-0" ϕ \pm FGD CRANE CELL

APPROVED FOR CONSTRUCTION FOR PERMITTING ONLY

141318-DS-1057

141318-DS-2014

BLACK & VEATCH CORPORATION

ENGINEER GLM DRAWN MRJ

ISSUED FOR PERMITTING 09/23/05

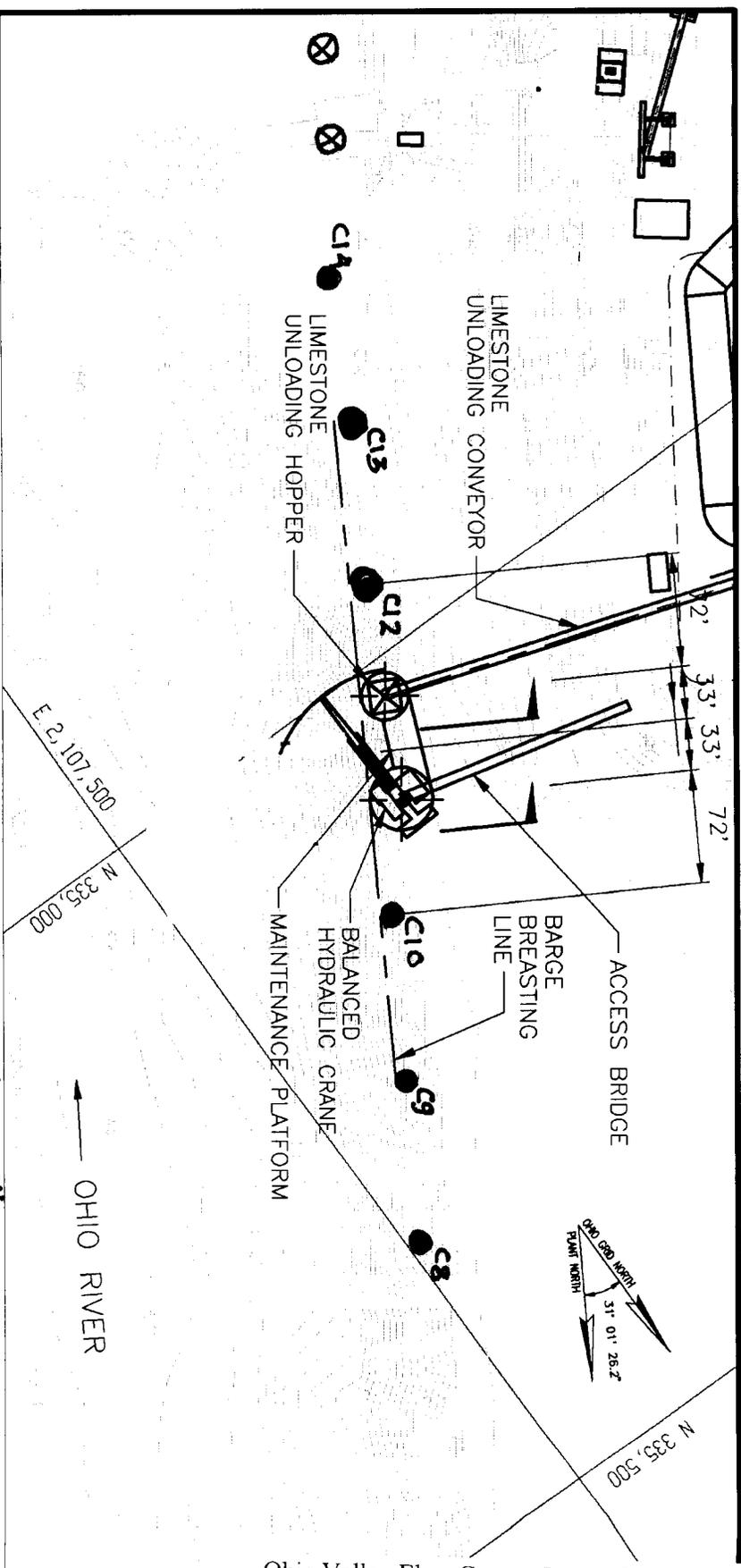
KYGER CREEK PLANT
 OHIO VALLEY ELECTRIC CORPORATION

PROJECT DRAWING NUMBER
 141318-DS-2001

NO	DATE	ISSUED FOR PERMITTING	REVISIONS AND RECORD OF ISSUE	MRJ	GLM	GLM	GLM
0	09/21/05						
1	09/23/05						

FGD & PRB PROJECTS
 RIVER CONSTRUCTION

CODE	AREA	REV
		1

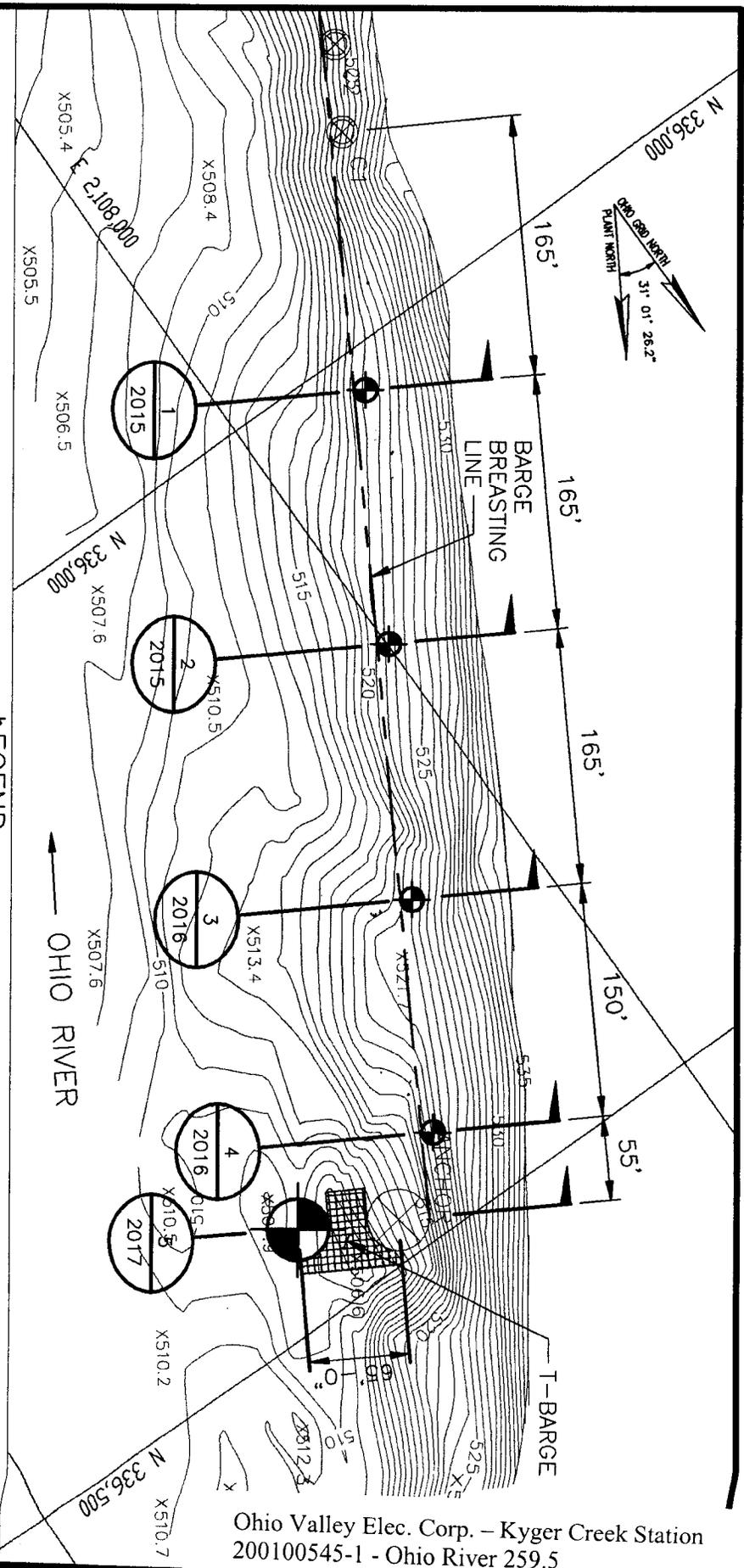


LEGEND

- C8 thru C14 existing cells
- ⊕ PROPOSED 30'-0"± FGD HOPPER CELL
- ⊕ EXISTING 15'-3"± MOORING CELL
- ⊕ PROPOSED 40'-0"± FGD CRANE CELL
- ⊕ EXISTING 18'-8"± MOORING CELL

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2	12/22/2005	ISSUED FOR PERMITTING	MAA	RLH	VBD	0	09/21/2005	ISSUED FOR PERMITTING	JSB	RLH	VBD						
1	09/23/2005	ISSUED FOR PERMITTING	JSB	RLH	VBD	NO	DATE	REVISIONS AND RECORD OF ISSUE	DRN	DES	CHK	PDE	APP				
		BLACK & VEATCH CORPORATION	KYGER CREEK PLANT					PROJECT					DRAWING NUMBER				
		ENGINEER RLH	OHIO VALLEY ELECTRIC CORPORATION					140194-DS-1031					2				
		CHECKED DATE	FGD PROJECT					RIVER CONSTRUCTION					AREA				



- LEGEND**
- ⊗ EXISTING 18'-8" ϕ ± MOORING CELL
 - ⊗ EXISTING 42'-6" ϕ ± ANCHOR CELL
 - ⊙ PROPOSED 18'-8" ϕ ± MOORING CELL
 - ⊙ PROPOSED 42'-6" ϕ ± ANCHOR CELL

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BLACK & VEATCH CORPORATION

KYGER CREEK PLANT
 OHIO VALLEY ELECTRIC CORPORATION

ENGINEER	GLM	DRAWN	MRJ
CHECKED		DATE	

PRB COAL BLENDING PROJECT
 RIVER CONSTRUCTION

PROJECT	141318-DS-2014	DRAWING NUMBER	
REV	0		

NO	0	DATE	09/21/2005	ISSUED FOR PERMITTING	MRJ	GLM	GLM
REVISIONS AND RECORD OF ISSUE				DRN	DES	CHK	PDE
				APP			