

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

Public Notice

In reply refer to Public Notice No.
57419-2

Issuance Date: **October 19, 2006**

Stream:

Closing Date: **November 18, 2006**

Ohio River, Mile Point 402.5 to 404.0

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) 399-5710

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 U. S., 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 404 of the Clean Water Act (CWA) and Section 10 of the Rivers & Harbors Act of 1899. This notice also serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Carmeuse Lime and Stone, Inc.
9222 Springdale Road
Maysville, Kentucky 41056

LOCATION: The project site is located along the left descending bank of the Ohio River, 402.5 to 404.0 miles downstream of Pittsburgh, Pennsylvania, at the Carmeuse Lime & Stone facility. This location is near Springdale, about 5 miles east of Maysville Kentucky, at approximate Latitude 38-37-29 N, Longitude 83-40-21 W, in Mason County, Kentucky. The project location is shown on attached **Figure 1**. Both the existing and proposed facilities are within the Meldahl Lock & Dam pool.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to move their existing barge fleeting area from the Ohio side of the river (at about river mile 403.0) to the Kentucky side of the river immediately downstream of their existing Maysville barge loading/unloading/fleeting area (between river mile 402.5 to 404.0). The site of their Ohio side fleeting area is located along property owned by Dayton Power & Light (DPL). This fleeting area is 1,000 feet long and 105 feet wide (3 barges wide). The stated project purpose is to provide for more efficient management of their barge fleeting and to allow DPL to expand their operations within the applicant's old Ohio fleeting area.

At the Maysville facility, the existing fleeting area would be expanded downstream by adding two more fleeting sections, each to be 1,170 feet long and 105 feet wide (3 barge widths). These new facilities would be used to fleet empty barges placed for loading at the Carmeuse Lime & Stone operation. However, at times the applicant may also moor barges loaded with limestone, lime or coal. The information indicates the distance from the normal pool to the riverward edge of the barge fleet would range from 130 feet to a maximum of 212 feet. Based on data obtained from the Huntington District Corps of Engineers, the applicant has delineated the boundary of the navigation channel (see Figures 4 and 5). These figures indicate the proposed fleet would be on or outside the boundary of the navigation channel and would not encroach into the navigation channel. Each fleet section would accommodate 18 barges. Mooring structures to be installed in the river would include eight tri-pile clusters (each consisting of one 36-inch concrete-filled pipe and two 24-inch concrete-filled pipe) on 320-foot centers, floats and one mooring cell. The mooring cell would be 24 feet in diameter and constructed with sheet piling, filled with free-draining granular material. Four deadmen (10x10x10 concrete) would be installed along the bank below the ordinary high water mark. No other land-based structures are proposed. The proposed facilities and configurations are shown on the attached **Figures 2 through 5**. These two new sections would be located entirely within the applicant's property boundary line. The applicant took soundings of the proposed new fleeting areas and has determined that no dredging would be required to establish or maintain adequate river depths required for safe operation.

The existing permitted Maysville facility is shown on **Figure 6** and includes 17 steel sheet pile cells, conveyor gantry structures and three belt conveyors to load lime and limestone and to unload coal.

Once the new fleeting sections are established at their Maysville operation, the applicant would eliminate its existing empty barge mooring and fleeting facility located on the Ohio side of the river at about mile point 403.0.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for the proposed project. It is the applicant's responsibility to obtain certification from the Kentucky Division of Water.

HISTORIC AND CULTURAL RESOURCES: The proposal would add four 10x10x10-foot concrete deadmen along the river bank between normal pool and the ordinary high water mark (as shown in attached drawings). No other land-based facilities, earthmoving or fills are proposed. This public notice serves as coordination with the Kentucky Heritage Council for information concerning whether any historic properties listed or eligible for listing in the National Inventory of Historic Places may be affected by the activity, pursuant to Section 106 of the National Historic Preservation Act.

ENDANGERED/THREATENED SPECIES REVIEW: The applicant has provided a mussel survey dated June 2006 performed by Mainstream Commercial Divers, Inc. The Survey was conducted along the left descending bank between river mile 403.3 and 404.0, including the proposed fleeting areas. The survey report states no federally listed endangered freshwater mussels were located during the survey and it is unlikely that any are present in the area. The Survey also stated that the mussel resource status was poor within the survey area due to low density, lack of recruitment, and zebra mussel infestation. The Survey indicated water depths of 20 to 45 feet in the proposed project area. The applicant sent a copy of the Survey to the U.S. Fish & Wildlife Service (USFWS), Frankfort Kentucky. This public notice will serve as coordination with the U.S. Fish and Wildlife Service for information concerning whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. 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 that 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; of 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.

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 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 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.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the District Engineer may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any person who has an interest that 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.

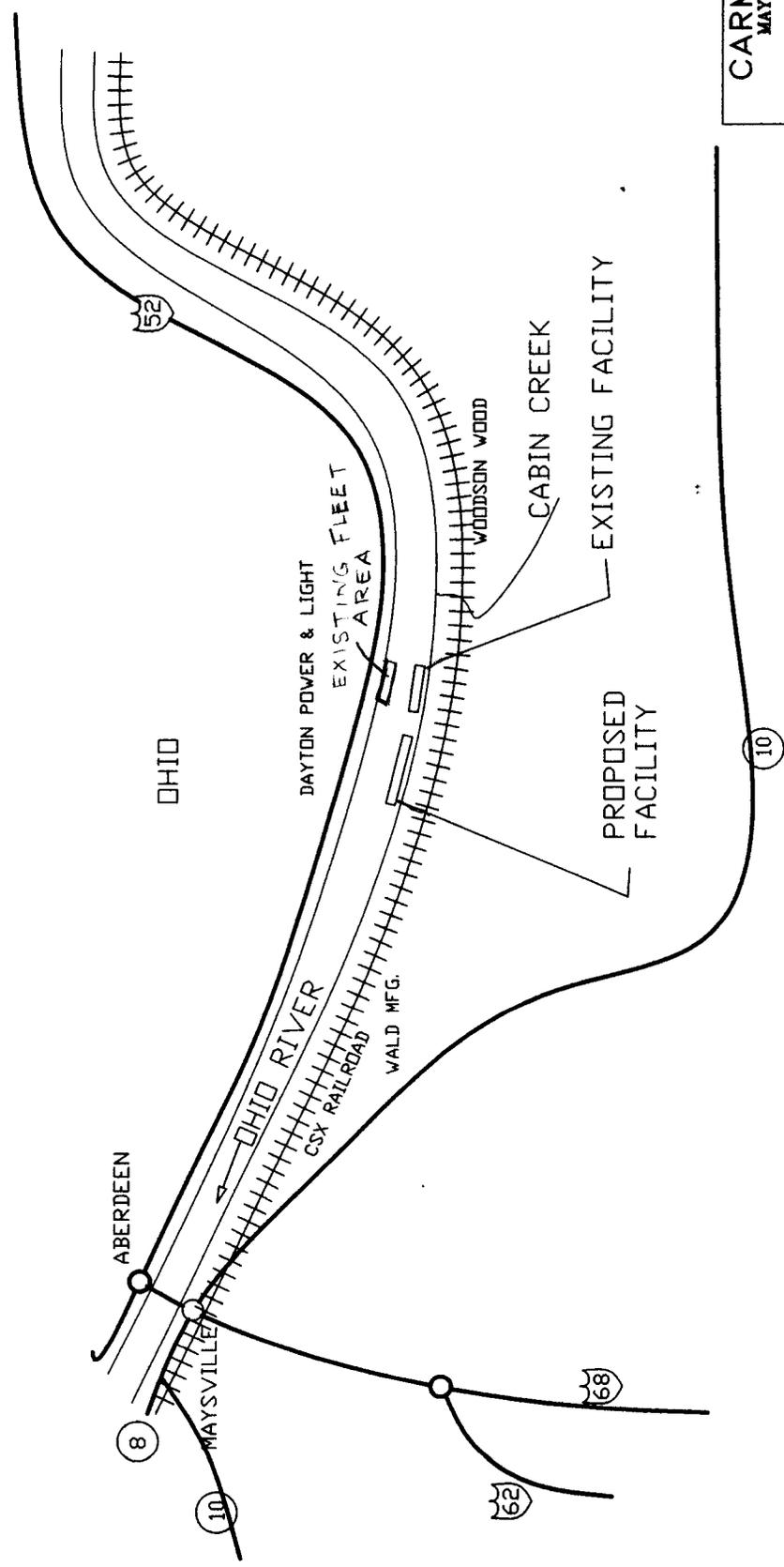
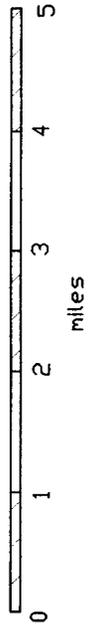
Comments and requests for additional information should be submitted to Richard Berkes, Project Manager, South Regulatory Section, CELRH OR-FS; U. S. Army Corps of Engineers Huntington District; 502 Eighth Street; Huntington, West Virginia 25701-2070. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

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. If no comments are received by that date, it will be considered that there are no objections.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Richard Berkes of the South Regulatory Section at 304-399-6909.


Ginger Mullins, Chief
Regulatory Branch

(K)

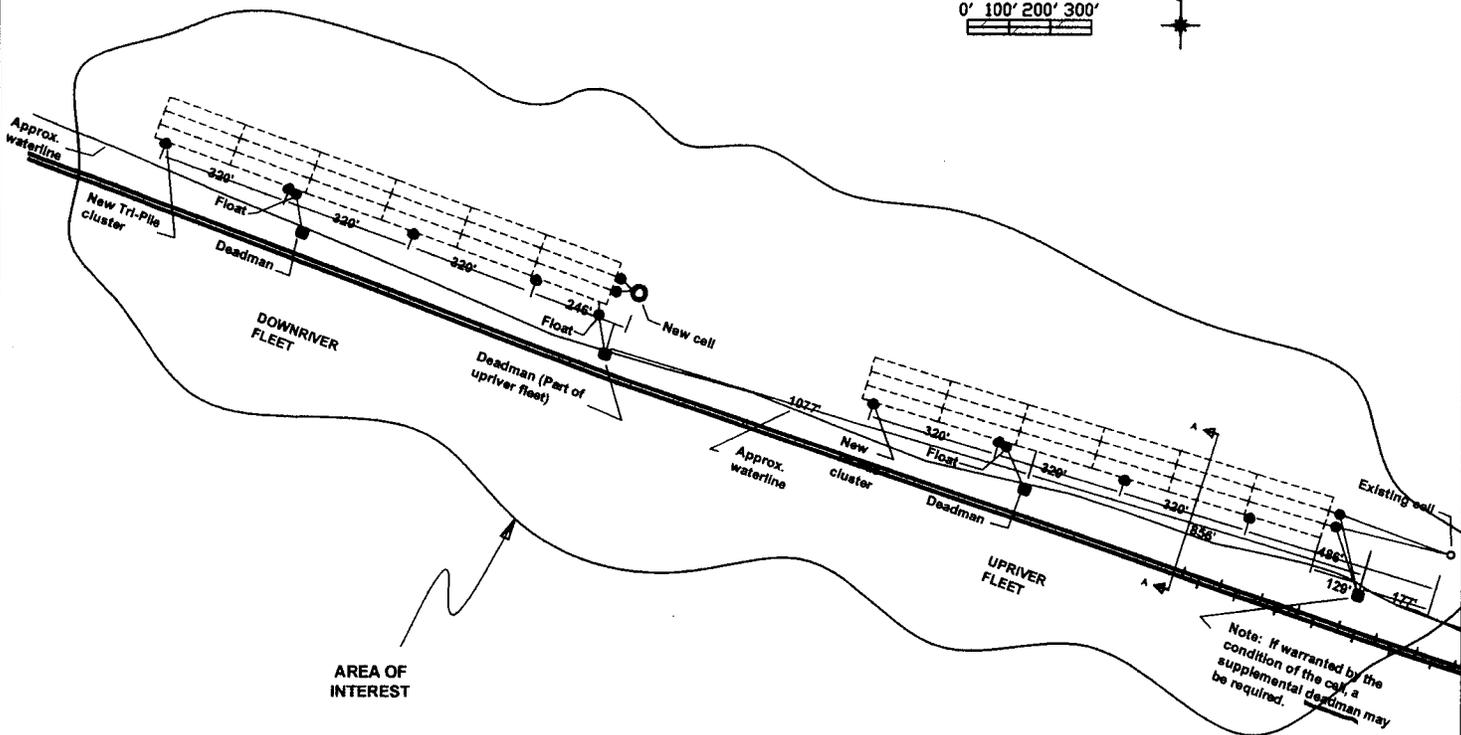


CARMEUSE LIME
 MAYSVILLE OPERATION
 Mason County
 9222 Springdale Road
 Maysville, KY 41056
 Latitude 38-37-29 N Longitude 83-40-21 W
 OHW - 499.5'
 PROPOSED
 BARGE FLEETING
 FACILITY
 VICINITY MAP
 DATE: 9/12/06

FIGURE 1

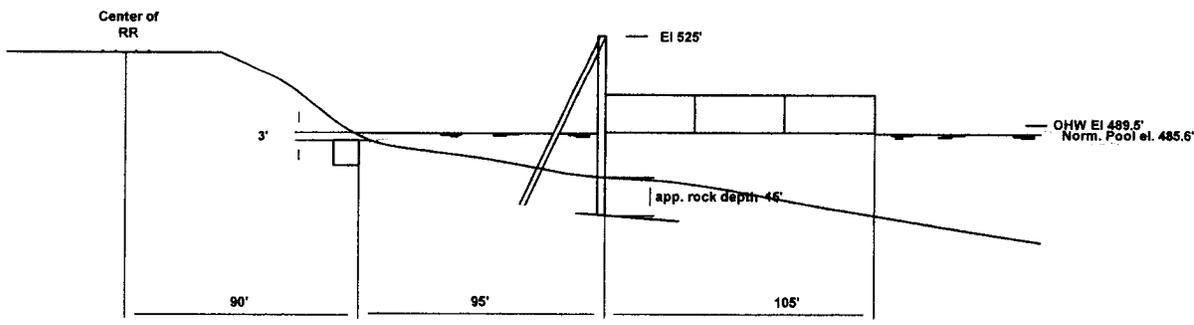
ORM
408.0

0' 100' 200' 300'



AREA OF INTEREST

MATCH LINE A



SECTION
A-A
n.t.s.

CARMEUSE LIME
 MAYSVILLE OPERATION
 Mason County
 9222 Springdale Road
 Maysville, KY 41056
 Latitude 38-37-29 N Longitude 83-40-21 W
 OHW = 489.5'

**PROPOSED
 BARGE FLEETING
 FACILITY**

DATE: 9/12/06 SHEET: 2 OF 4

FIGURE 3

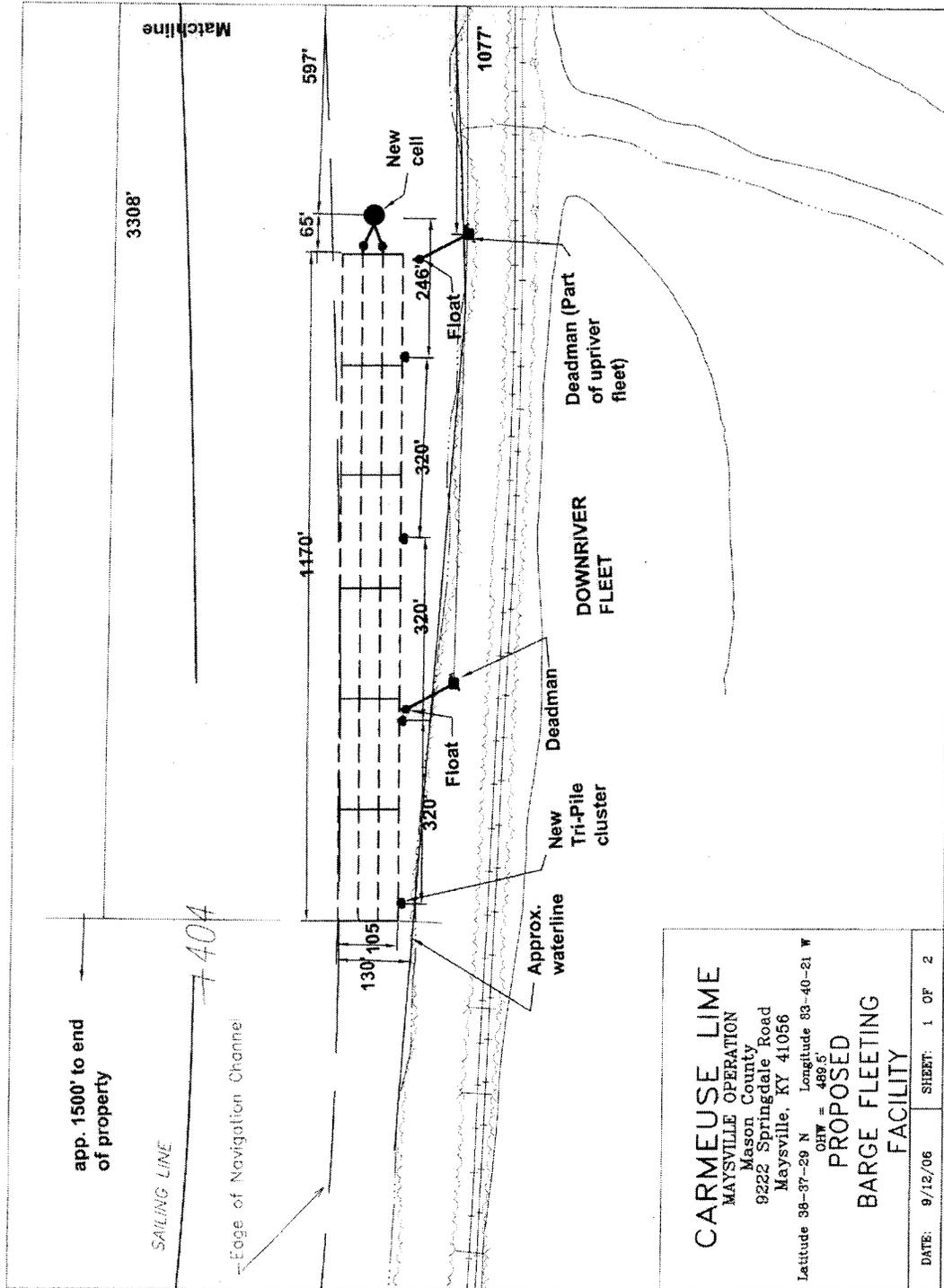
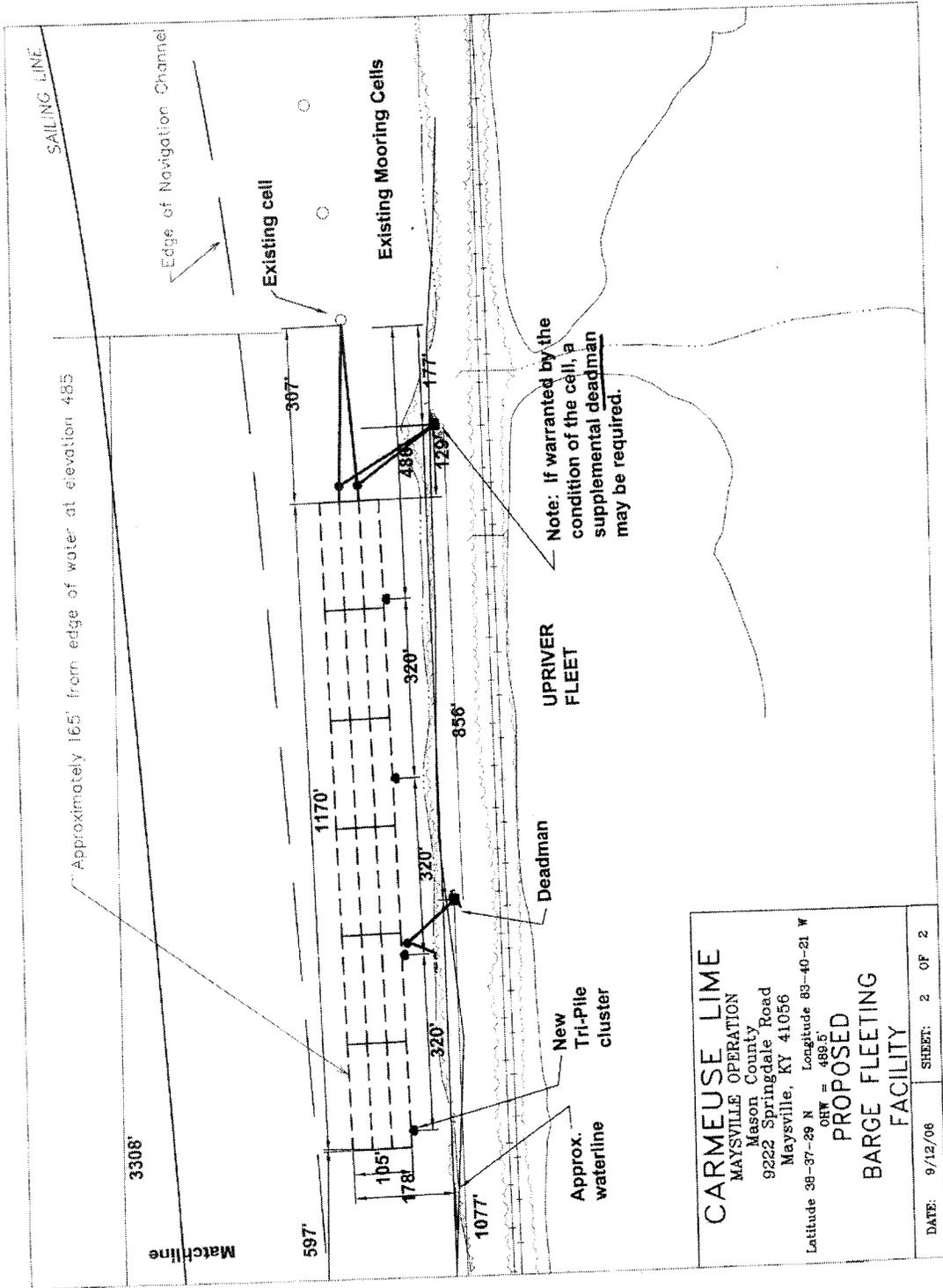


FIGURE 4



CARMEUSE LIME
 MAYSVILLE OPERATION
 Mason County
 9222 Springdale Road
 Maysville, KY 41056
 Latitude 38-37-28 N Longitude 83-40-21 W
 ORW = 488.5'

**PROPOSED
 BARGE FLEETING
 FACILITY**

DATE: 9/12/06 SHEET: 2 OF 2

FIGURE 5

