



**US Army Corps
of Engineers**
Louisville District

Public Notice

Public Notice No.
LRL-2021-00750-GJD

Open Date:
07 October 2021

Closing Date:
08 November 2021

Please address all comments and inquiries to:
ATTN: Mr. George DeLancey, CELRL-RD-MCE
6855 State Road 66
Newburgh, Indiana 47629

Phone (812) 842-2807

This notice announces an application submitted for a Department of the Army (DA) permit, subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT: Mr. Roger Meuth
Meuth Construction Supply, Inc.
703 8th Street
PO Box 523
Henderson, Kentucky 42219

LOCATION: Ohio River Mile 788.7 - 791.2, right descending bank, Henderson,
Henderson County, Kentucky.
Latitude: 37-56-57
Longitude: -87-34-43

PURPOSE: To construct a dry commodities transloading facility, fleet, complete maintenance dredging, and complete commercial sand and gravel dredging.

DESCRIPTION OF WORK: The applicant is proposing to construct a dry commodities transloading facility that would include handling sand, gravel, limestone, cement and related products, brick and masonry products, and grain. The transloading facility would be set on the landward upland facility around a tracked telescoping conveyor system at about elevation 380' down to the river and a hopper mounted work barge. An on-barge clam bucket excavator would be utilized to transfer material to and from river barges and the landward storage yard.

The transloading facility would include a 45-barge fleeting area configured 3 barges wide by 15 barges long on the right descending bank at about Ohio River Mile Marker 791. The fleet would be anchored to 16 tri tie dolphin structures, each constructed with three 2" diameter beam and pile pipes filled with #2 stone aggregate. At normal pool, 342' ORD, the maximum riverward projection of the proposed fleet would be 180'.

It is proposed that the fleeting area would be subject to semi-annual maintenance dredging to remove approximately 1800 cubic yards of silt, sand, and gravel to maintain an approximate 12 feet of draft for the fleet and associated barges at normal pool. Dredging would be completed via clamshell and would be loaded onto a flat deck barge where decant water would runoff directly back to the river. Dredged material would then be removed to one of two locations. The first would be to barge the material to the downstream end of the facility to an existing ramp. At the ramp, the material would be loaded to a waiting end dump truck and then trucked to the upland portion of the facility where it would be resold as commercial fill material. The second area

would be to barge the material to an existing facility located further downstream, Meuth Construction Supply (LRL-2008-00980), where it would be similarly offloaded and processed as is proposed with the first location.

Finally, the applicant is proposing to operate a commercial dredging between Ohio River Mile Marker 789 and 789.7. The applicant proposes to dredge approximately 300,000 tons of sand and gravel annually via hydraulic dredging. Dredged material would be removed via hydraulic dredging and pumped onto a side walled barge where decant and return water would be discharged back to the river. Dredged material would be barged to the proposed transloading loading facility where it would be offloaded and moved to the upland storage yard.

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. 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 that may occur within the project area. 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.

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 known 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, pre-Columbian, 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

Regulatory Division
Mitigation, Compliance, and Enforcement Branch (MCE)
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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/Public-Notices/>. All comments regarding this proposal should be addressed to George DeLancey, CELRL-RD-MCE at the address noted above and should refer to the Public Notice Number LRL-2021-00750-GJD.

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-2021-00750-gjd. Example: Subject: LRL-2021-00750-gjd
- 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 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

DATE	219-3-288
MTF	DCC
DATE	7/30/2021
DATE	11/25/2021
DATE	12/01/21

PROJECT NAME
MEUTH EVANSVILLE
BARGE FLEETING
OHIO RIVER
RIVER MILE 791
HENDERSON COUNTY
HENDERSON, KENTUCKY

PREPARED FOR
MEUTH CONSTRUCTION
SUPPLY, INC.
705 EIGHTH ST., P.O. BOX 523
HENDERSON, KY 42419

RIVER
CHART
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Location Map
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