



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-CO-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.
P-2404
Public Notice Date
February 18, 2004

Expiration Date
March 9, 2004

Postmaster Please Post Conspicuously Until:

File Number: 870316972

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached map.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CO-F (Charles Frerker)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: KHC Marine, LLC, 984 East Sugar Hill Road, Ava, Illinois 62907
POC: Mr. Rodney Kribs (618) 426-3323.

LOCATION: The project site is located approximately one mile downstream of the Chester, Illinois Bridge, along the right descending bank of the Mississippi River at approximate River Mile 109.6, in Perry County, Missouri (See Location Map).

PROJECT DESCRIPTION: The applicant proposes to complete construction activities at the previously authorized Chris Julbrian facility (P-1697). Existing site features include incoming and outgoing ramps, roadways and the main structures for a conveyor and hopper. The proposed operation would utilize the existing ramps and roadways while an existing four-leg conveyor would be converted into a platform structure where an improved hopper and conveyor system would operate. The primary purpose of the project is to off-load power plant ash by-products from barge to truck (rock, fertilizer, coal, scrap iron and other bulk materials may be secondary shipped items).

A spud barge and crane barge (each measuring 35-feet by 110-feet) would be installed to facilitate offloading. To support mooring, two deadmen devices would be constructed by filling 7-yard dragline buckets with concrete and buried with exposed chain/cable connections. The applicant plans to offload one to two cargo barges per day (each measuring 35-feet by 200-feet) with the barges being brought in one at a time. The cargo barge would arrive from the south, tie off to the crane barge for offloading and depart to the north for

reconfiguration. At an eight foot river stage on the Chester Gauge, the riverward most portion of the barges will be 105 feet from the waters edge/bankline. In the offloading process, a crane would be mounted on the spud barge and materials would be transferred from barge to hopper and then conveyed to trucks. Materials would then be trucked to the applicant's mine site where they are permitted to stockpile.

The load out conveyor will be set on a 14 x 14-foot pier built from steel piling. A concrete retaining wall would be constructed on the landward side of the piling structure and backfilled with a mix of fill dirt and 50 pound rip rap for access (*The retaining wall and backfill associated with the conveyor structure is the only activity requiring authorization under Section 404 of the Clean Water Act while other riverine structures and construction activities require authorization under Section 10 of the Rivers and Harbor Act*). The top of the conveyor platform would be set at an approximate 25-foot river stage elevation. The conveyor would be 75 to 100 feet long with an attached 25 to 50 ton hopper. The entire conveyor system would be portable for movement prior to anticipated high water events.

The applicant also proposed to install a dry dock immediately downstream of the spud and crane barge configuration. The purpose of the dry dock is to facilitate repairs of the applicant's barges and equipment. The dry dock will be held in place by one of the deadmen structures and is not part of the offloading operation. No more than two barges would be attached riverward of the dry dock at any time.

(See Attached Drawings)

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Charles Frerker, Rivers Project Manager, U.S. Army Corps of Engineers at (314) 331-8583 or at electronic mail address: charles.frerker@mvs02.usace.army.mil

AUTHORITY: This permit will be processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

ENDANGERED SPECIES: The proposed project is within the range of the endangered Indiana bat (**Myotis sodalis**), Gray bat (**Myotis grisescens**), Least tern (**Sterna antillarum**), Pallid Sturgeon (**Scaphirhynchus albus**), and the threatened Bald eagle (**Haliaeetus leucocephalus**). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this proposed activity is not likely to affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact

including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

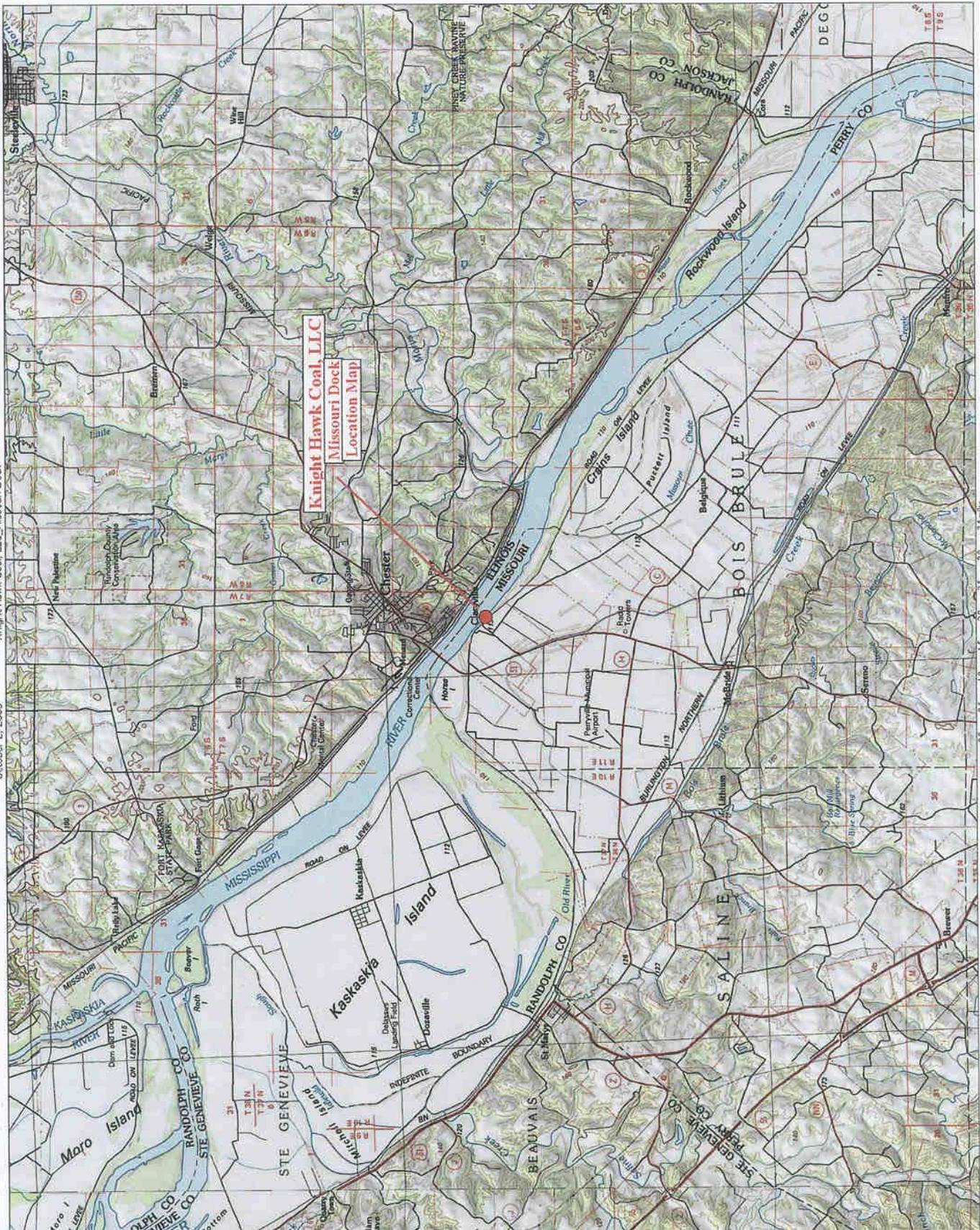
The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of these proposed activities. Any comments received will be considered by the U.S. Army 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 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.

Danny D. McClendon, Chief
Regulatory Branch

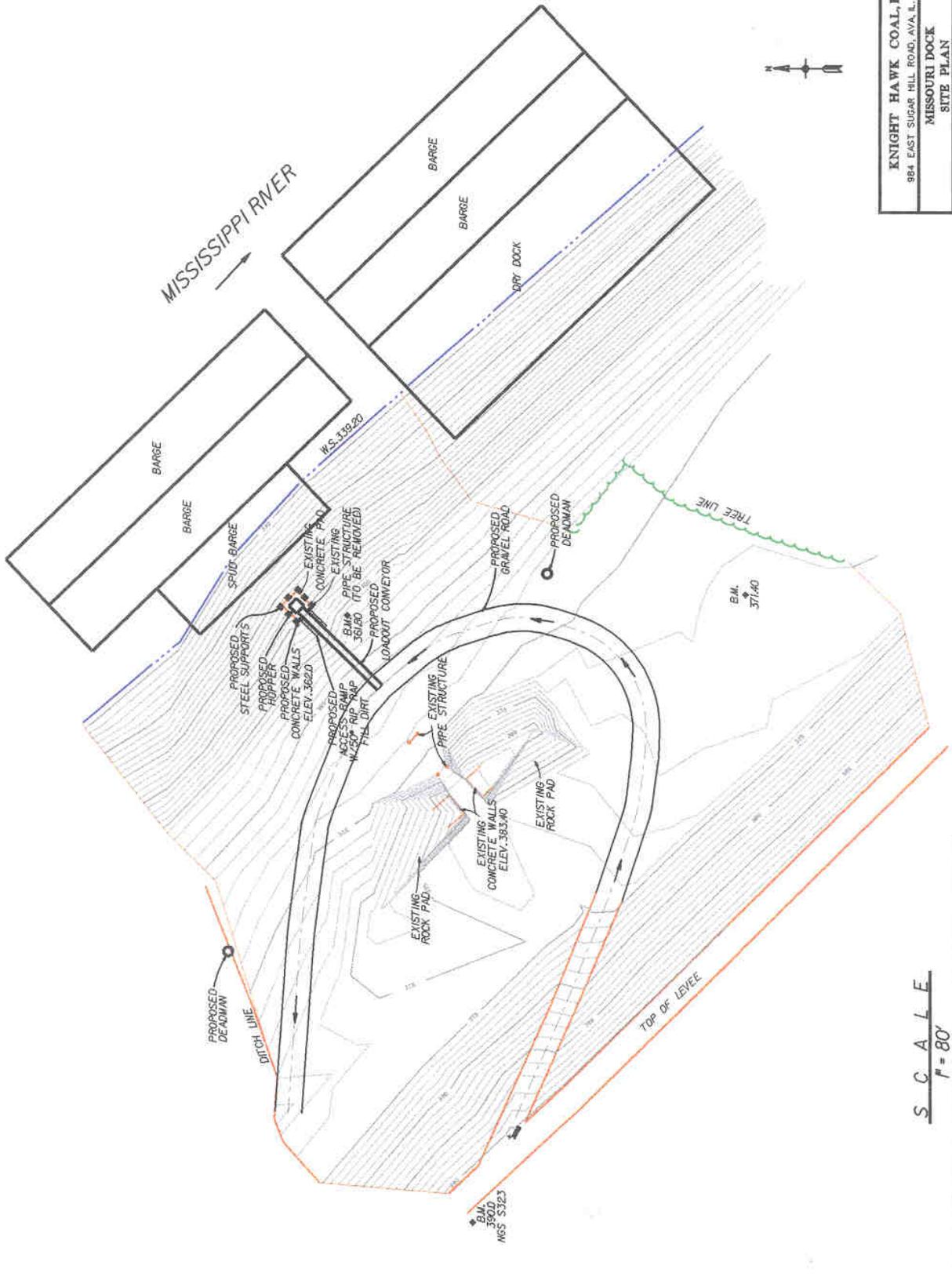
Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



TOPO COMPLETED
 FEBRUARY 6, 2003
 RIVER STAGE -0.8' @ ELEV. 339.2



KNIGHT HAWK COAL, LLC 884 EAST SUGAR HILL ROAD, AVA, LA. 72807	
MISSOURI DOCK SITE PLAN	
SCALE: 1" = 80'	DRAWN BY: M.R.R.L.
DATE: MAY, 2003	CHECKED BY: S. CARTER
FILE NO. MDDOCK.DGN	SHEET NO. 1 OF 2

NOTE: SEE SHEET - 2 FOR DETAILS

