



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **04-63**

Date: **September 1, 2004**

Application No. **4177200**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Tripod/Piling Construction for Barge Mooring at Tennessee River Mile 6.0L, McCracken County, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** for the construction and discharge of fill material into navigable waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky pursuant to **Section 401(a)(1) of the CWA**, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Marathon Ashland Petroleum
539 S. Main Street
Findlay, Ohio 45840-3295

LOCATION: Tennessee River Mile 6.0L, McCracken County, Kentucky
(Paducah East Quad, lat 37-1-44.830; lon 88-31-19.0560)

DESCRIPTION: The proposed work consists of the construction of two tripods at the existing Marathon Ashland Petroleum barge loading dock. A tripod would be constructed 175' upstream from the existing dock and 100' from an existing mooring cell. Another tripod would be constructed 275' downstream of the existing dock. The applicant indicated that the tripods would be constructed in-line with the existing dock and mooring cell. The tripod construction would involve driving a 32x½-inch round piling upright and two 20x ½-inch piles, with a top Elevation 367.0'. The pilings would be filled with concrete. No dredging is associated with the proposed construction, since the water depth is approximately 20'.

Currently, the facility accommodates two barges, at single-file along the shoreline. The purpose of the proposed work would be to improve the tie-offs of the two barges. No additional barges would be moored with the proposed work.

The structural discharge of concrete into the pilings associated with the tripod construction has previously been approved for purposes of Section 404 of the Clean Water Act under authority of a DA Nationwide Permit which became effective on February 11, 1997 [33 CFR 330, Appendix A, #25.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the 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 work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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 authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would 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.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites

or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

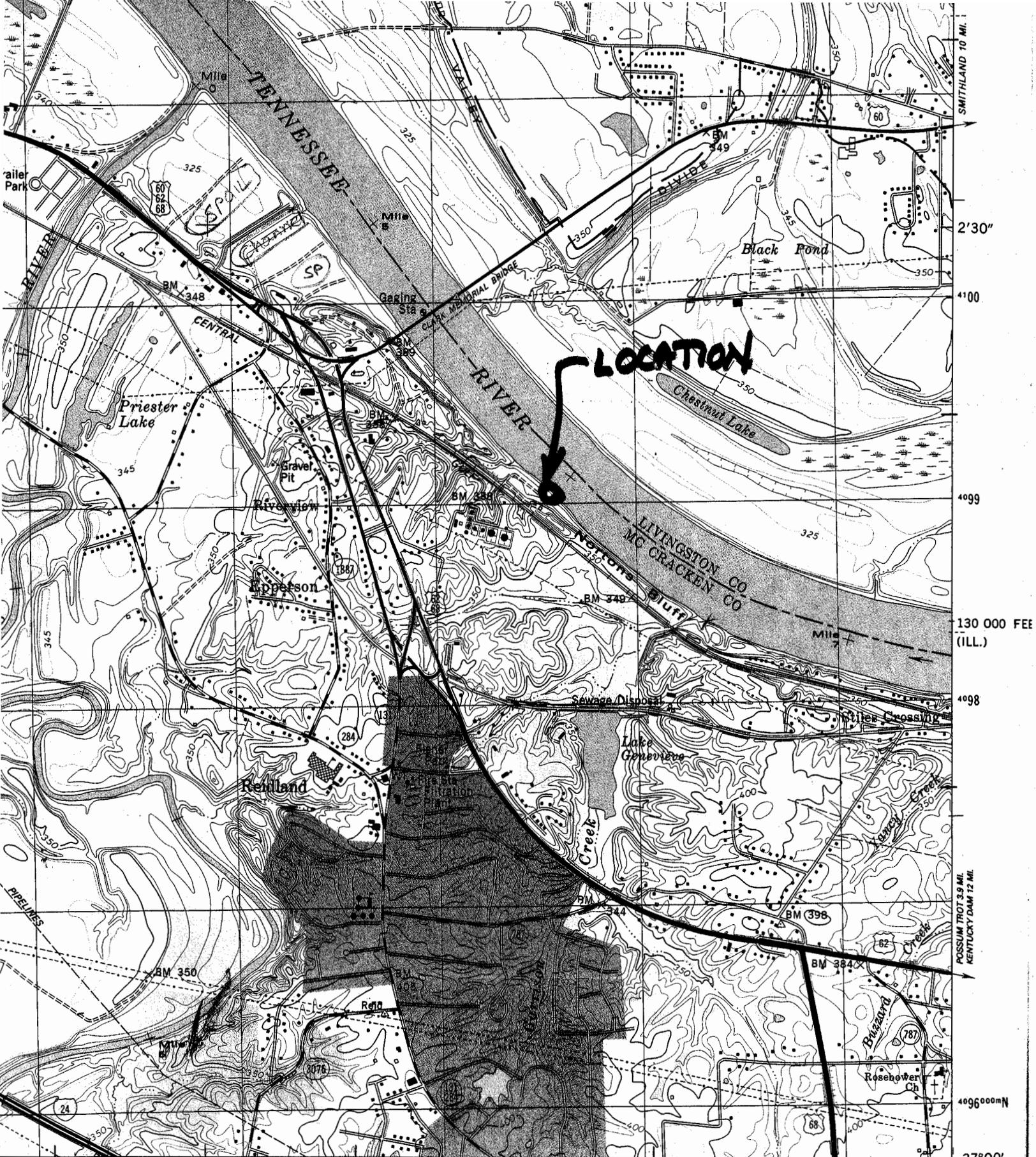
Federally threatened or endangered mussels maybe found within some sections of the lower Tennessee River. However, the proposed work is not expected to destroy or endanger any endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the commonwealth of Kentucky, in accordance with Section 401(a)(1) of the Clean Water Act.

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

Written statements received in this office on or before October 1, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Rachel Terrell, Tennessee Valley Authority, Kentucky Watershed Team, P.O. Box 280, Paris, Tennessee 38242-0280.



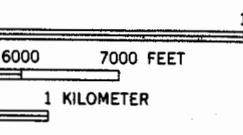
MI. TO INTERCHANGE 16
MI. TO PURCHASE PKWY

32°30' 440 000 FEET (ILL.)

● INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1983

365 366 000m E 1983

88°30' 37°00'



FILE No. 4177200
PN 04-63
ADUCAH EAST QUAD

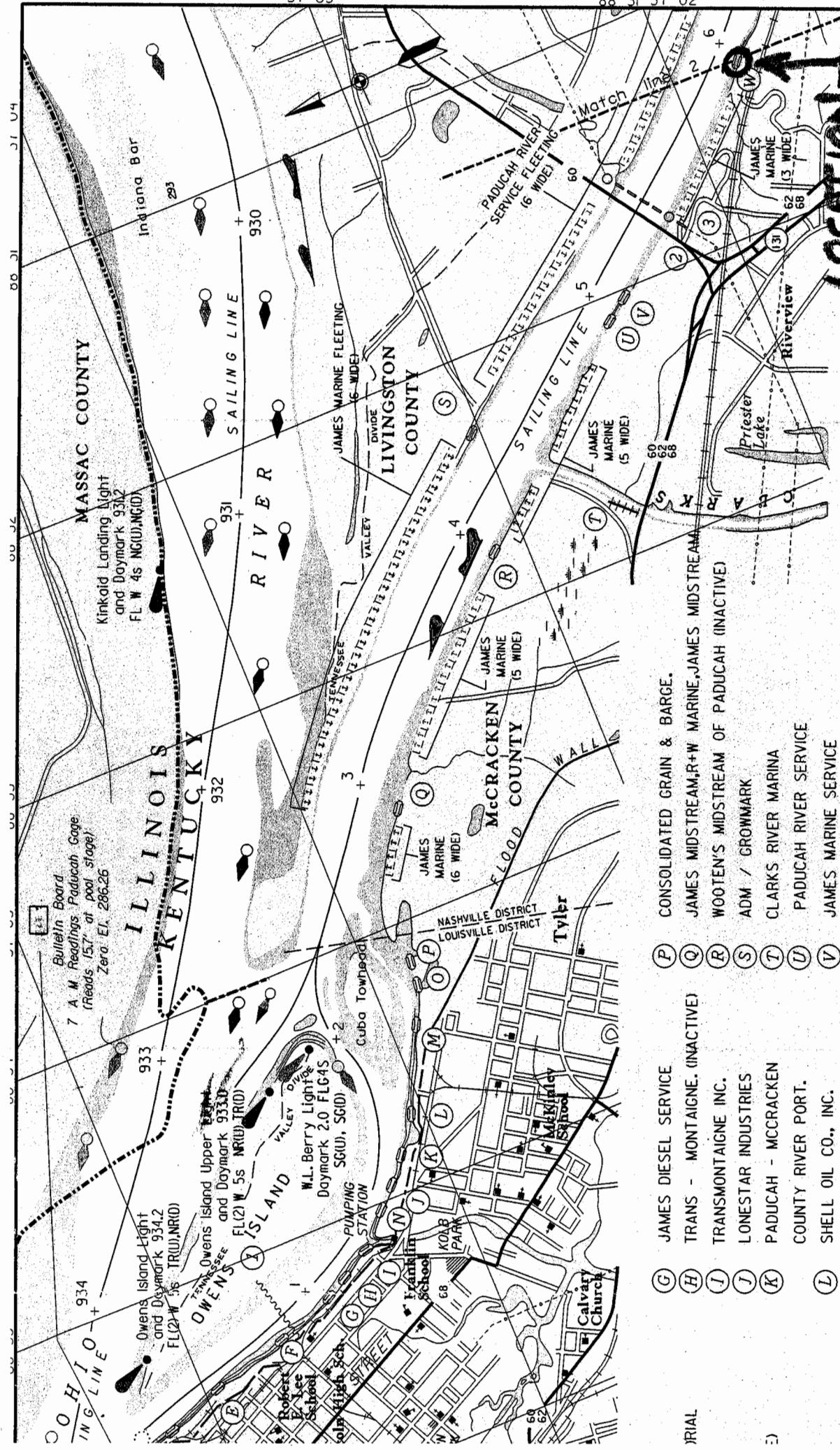
ROAD CLASSIFICATION (TVA 1-SE)

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____

Secondary highway, hard surface _____ Unimproved road _____

○ Interstate Route ◻ U. S. Route ○ State Route

(ELVA 6-N
3557 N NW



*File No. 4177200
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Scale 1 Inch = 1/2 Mile



- (G) JAMES DIESEL SERVICE
- (H) TRANS - MONTAIGNE. (INACTIVE)
- (J) TRANSMONTAIGNE INC.
- (L) LONESTAR INDUSTRIES
- (K) PADUCAH - MCCRACKEN COUNTY RIVER PORT.
- (L) SHELL OIL CO., INC.
- (M) MARQUETTE TRANSPORTATION CO.
- (N) JAMES DIESEL SERVICE
- (O) PADUCAH - MCCRACKEN COUNTY RIVER PORT
- (P) CONSOLIDATED GRAIN & BARGE.
- (Q) JAMES MIDSTREAM+R+W MARINE, JAMES MIDSTREAM
- (R) WOOTEN'S MIDSTREAM OF PADUCAH (INACTIVE)
- (S) ADM / GROWMARK
- (T) CLARKS RIVER MARINA
- (U) PADUCAH RIVER SERVICE
- (V) JAMES MARINE SERVICE
- (W) MARATHON ASHLAND PETROLEUM

ance data
bridge.

PROJECT POOL DAM NO. 52 EL. 301.7

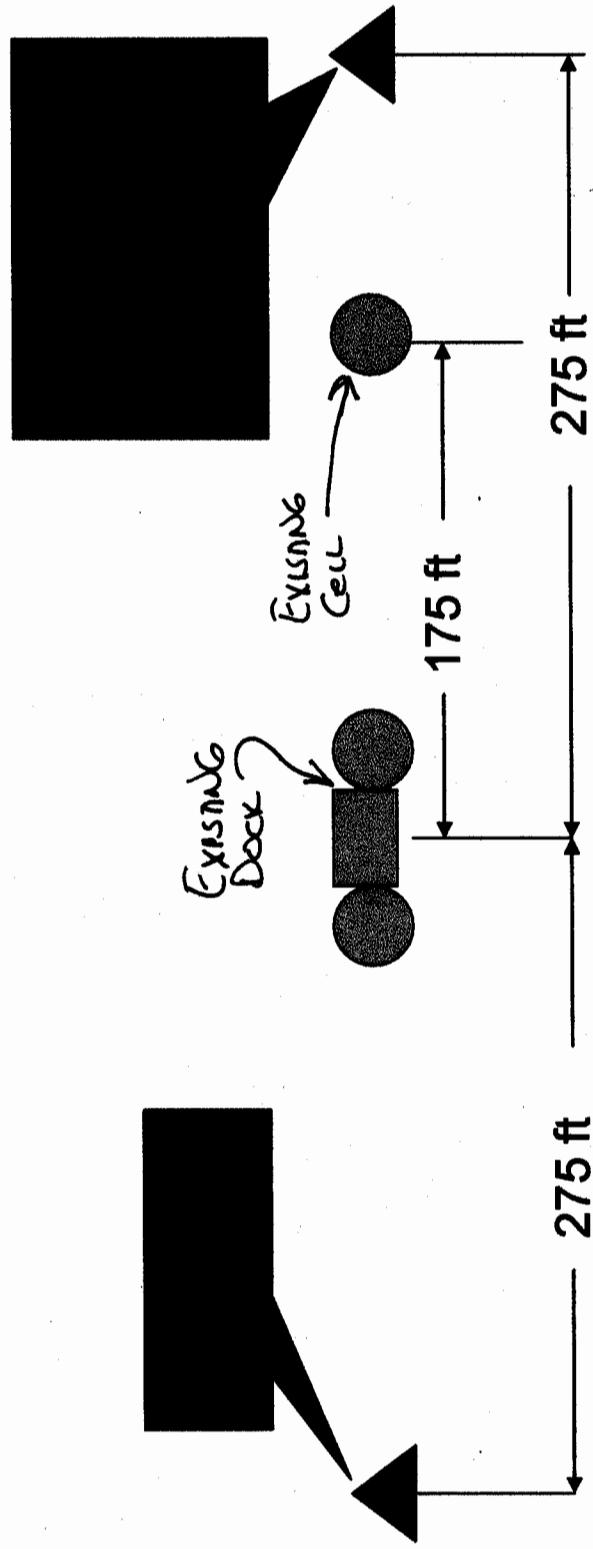
CHART NO. 1

PADUCAH RIVER DOCK DOLPHINS-PLOT PLAN

Marathon Ashland Petroleum

6.0 MM, LDB Tennessee River

8/4/04



File No. 417200

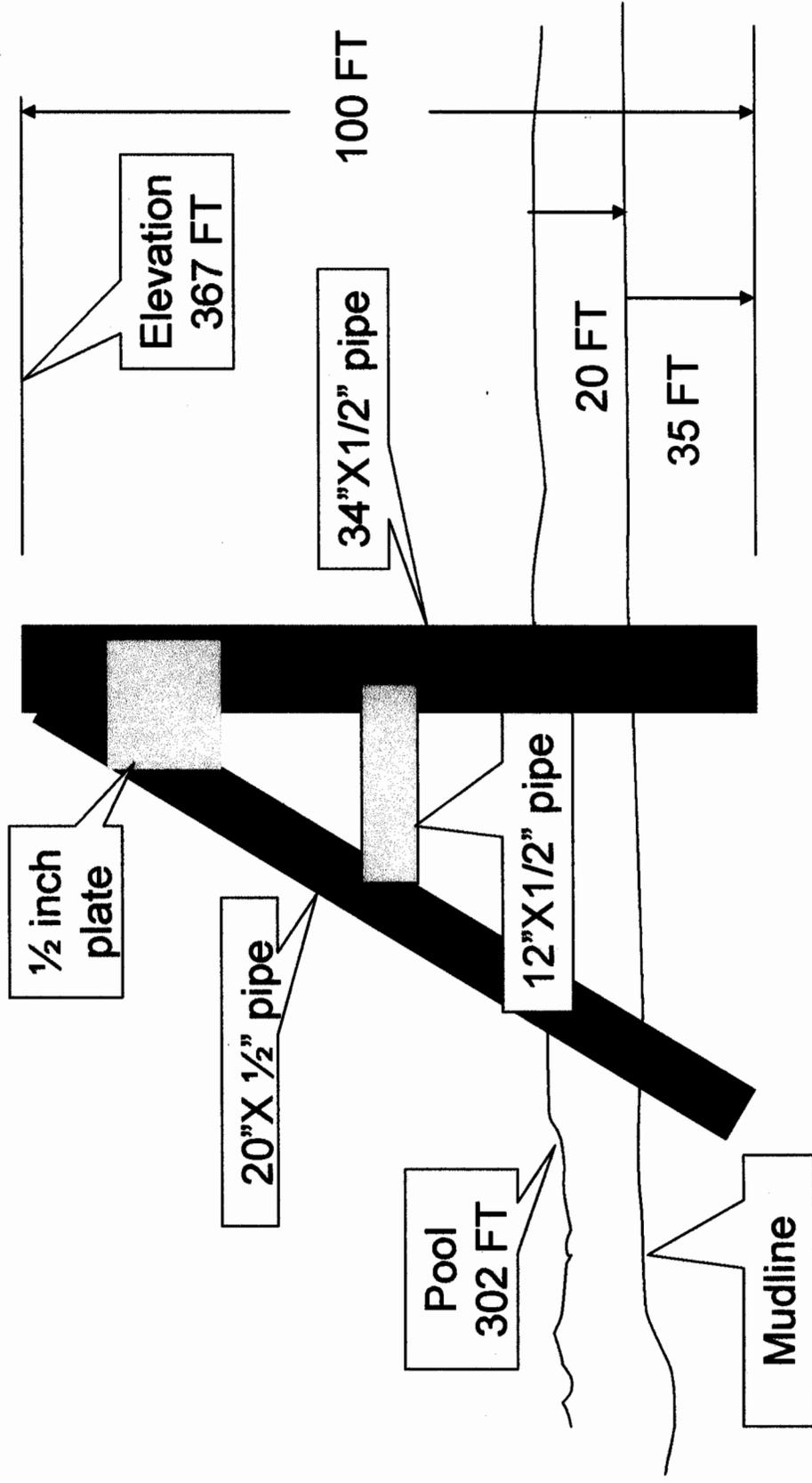
PAI 04-63

PADUCAH RIVER DOCK DOLPHINS-ELEVATION

Marathon Ashland Petroleum

6.0 MM, LDB Tennessee River

8/4/04



File No. 4177200
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