



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

Public Notice

In reply refer to Public Notice No.
200600766

Issuance Date: December 29, 2006

Stream:

Closing Date: January 29, 2007

Muskingum River MP 13.5

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 of 1899.

APPLICANT: Ohio Department of Natural Resources
Division of Parks and Recreation
2045 Morse Road
Columbus, Ohio 43229

LOCATION: The proposed project is located at mile point 13.5 of the Muskingum River at the existing Lock & Dam #3 near Lowell, Washington County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to dredge a total of approximately 6,700 cubic yards of material from the existing canal at the location described above. Mechanical dredging equipment would be used to perform the work and all dredged material would be placed within an upland site located adjacent to the dredged area. This upland location has been historically used as a dredge disposal area. The purpose of the proposed project is to foster vehicle safety. If permitted, the authorized dredging would be limited to a single dredging event. Plans of the proposal are attached to this notice.

(Individual Permit 000051766-1, which was issued on May 1, 1998 and is valid until December 31, 2008, authorizes maintenance dredging within the southeast portion of the canal. The current proposal exceeds the dredging limits authorized under Individual Permit 000051766-1 for this location.)

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 proposal. Upon review of this information, this office has determined the proposed project will have no effect on historic properties. 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 (endangered), fanshell mussel (endangered), pink mucket pearly mussel (endangered), and the sheepnose mussel (candidate species).

Given the nature of the proposal, this office has determined the project will have no effect on the Indiana bat. Fanshell mussels and sheepnose mussels have been identified within the Muskingum River. The applicant has confirmed no recent mussel surveys have been performed within the proposed project area.

Given the nature of the proposed project and the known endangered mussel species within the Muskingum River, this office has preliminarily determined the proposed project has the potential to affect the fanshell mussel, the pink mucket pearly mussel, and the sheepnose mussel. This public notice serves as a request to the U.S. Fish and Wildlife Service 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.

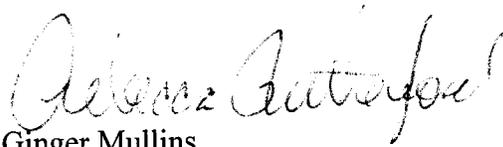
Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national 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. 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.

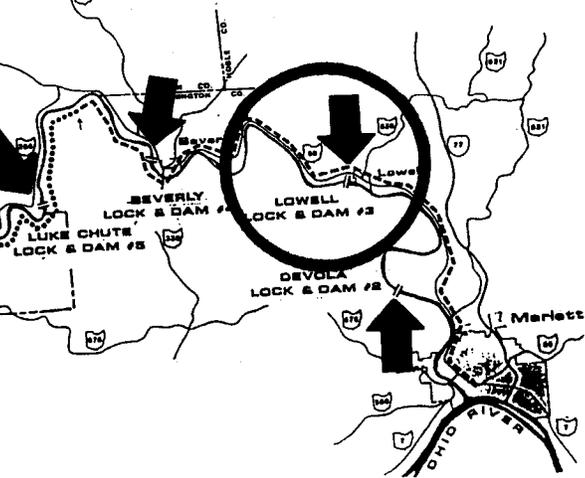
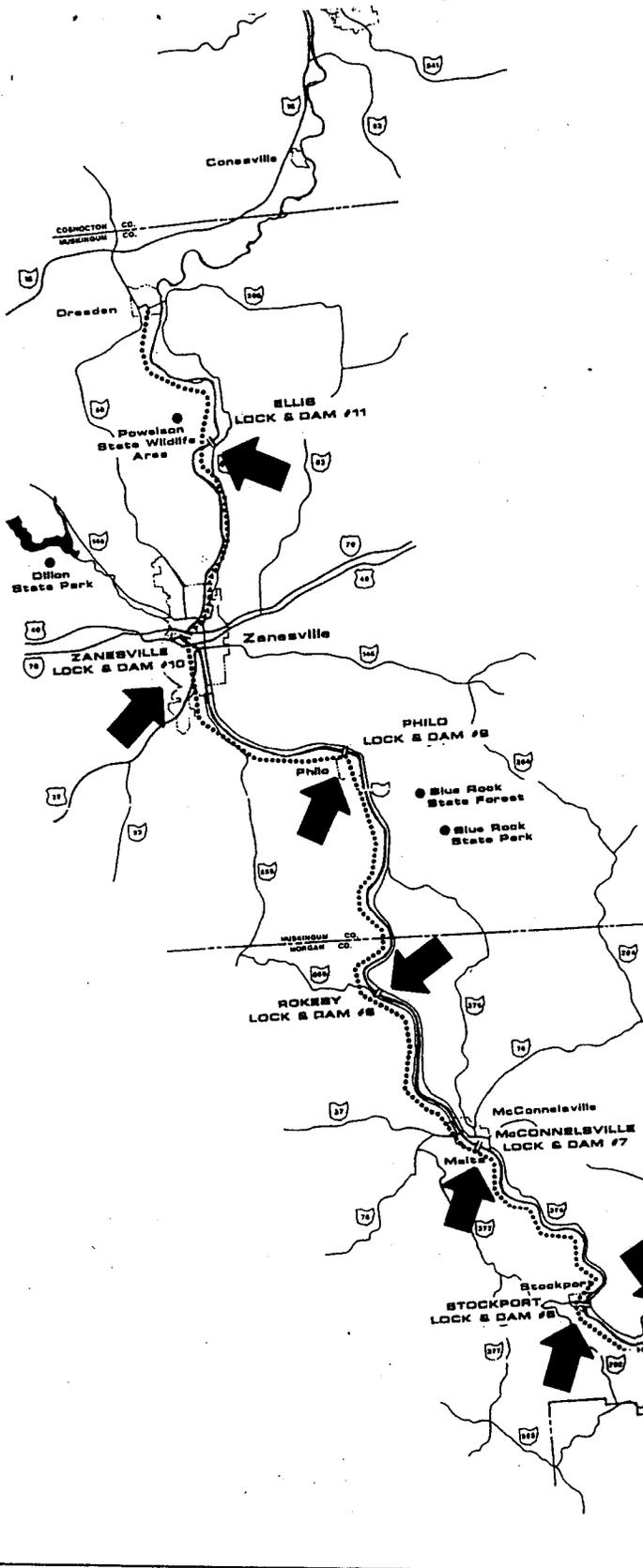
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200600766
502 8th Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at (304) 399-5210.

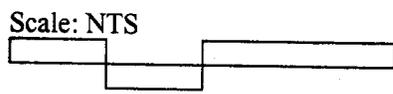

Ginger Mullins
Chief, Regulatory Branch

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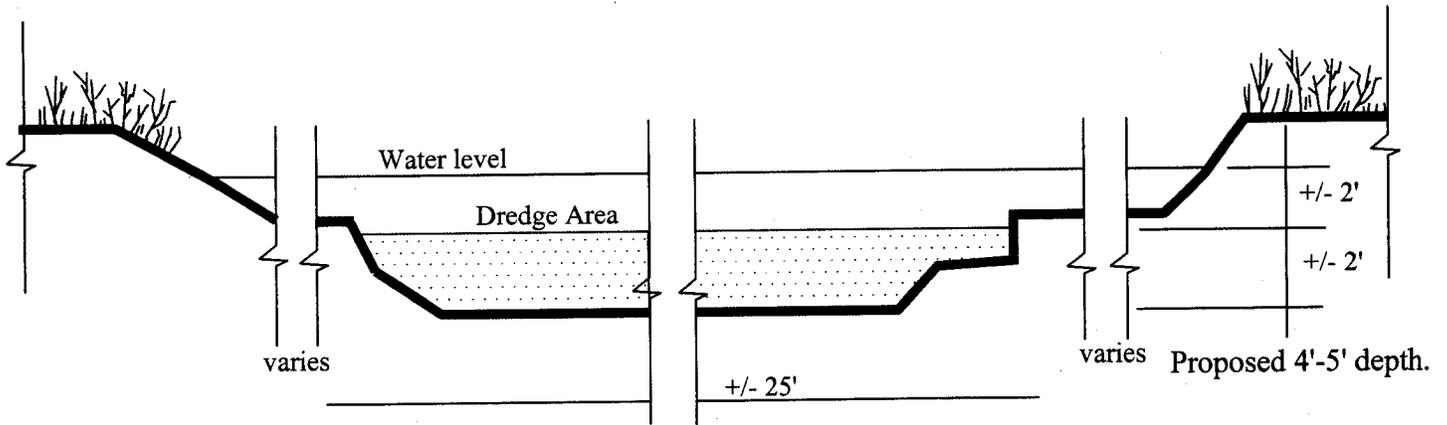
Ohio Department of Natural Resources
 Division of Parks and Recreation

Proposed Activity: Maintenance Dredge

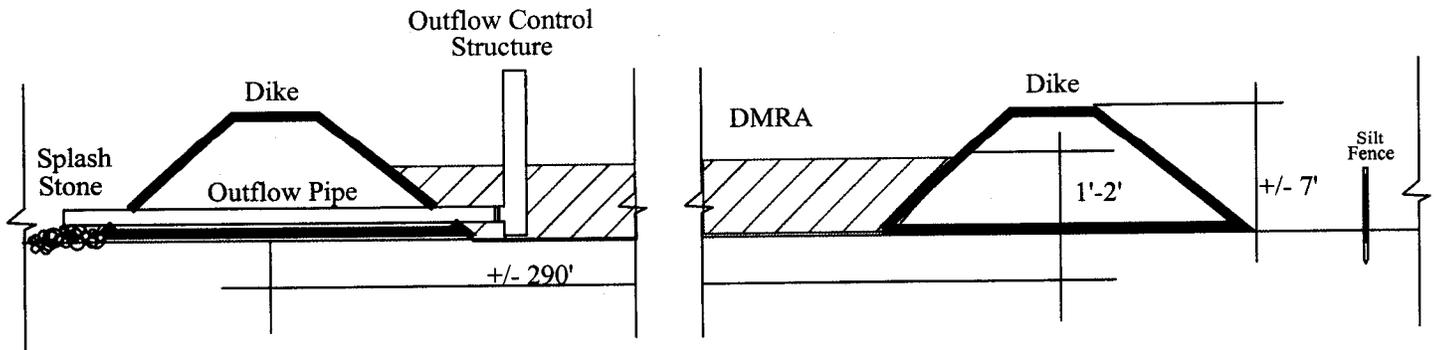


Ohio Department of Natural Resources L&D #3
 200600766 – Muskingum River MP 13.5
 Washington County, Ohio
 Location Map, Sheet 1 of 3

Dredge Area
Section A- A



Upland DMRA
(Dredge Material Relocation Area)
Section B-B



NOTE: Dike and disturbed areas are seeded with grass.
* When project is complete the area will be graded and seeded with grass.

Lock & Dam #3, Lowell

Ohio Department of Natural Resources
Division of Parks and Recreation

Proposed Activity: Maintenance Dredge

Ohio Department. of Natural Resources L&D #3 —
200600766 – Muskingum River MP 13.5 —
Washington County, Ohio —
Cross Section, Sheet 3 of 3 —

Scale: NTS

