



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

Public Notice

In reply refer to Public Notice No.

2007-289

Issuance Date:

April 4, 2007

Stream: OHIO RIVER

Closing Date:

May 2, 2007

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 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.

SECTION 10: The Corps is directed by Congress under Section 10 of the River and Harbors Act of 1899 to grant authorization prior to the accomplishment of any work in or over navigable waters of the United States, or which affects the course, location, condition or capacity of such waters.

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. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application, if required:

APPLICANT: McGinnis Inc.
P.O. Box 534
South Point, Ohio 45680

LOCATION: The proposed project is located along the right descending bank of the Ohio River at milepoint 315.8 in South Point, Lawrence County, Ohio

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to construct and operate a barge fleeting facility at this location. The applicant currently has an authorized fleeting facility located downstream of the proposed facility. The purpose of the proposal is to provide a fleeting area for loaded and empty barges, including red flag barges.

Work associated with the proposal would consist of the installation of three steel tri-pile mooring structures below the ordinary high water elevation of the Ohio River. The tri-piles would consist of 30" and 20" piles that would be filled with concrete and driven to refusal into the riverbed. The tri-piles would be spaced approximately 195' apart parallel to the shoreline. One 10' x 10' x 10' concrete deadman would be installed above the ordinary high water elevation at the upstream section of the fleeting area. An anchor chain would connect the deadman to a 2 1/4" steel cable, which would connect to a steel float at the upstream tri-pile cluster to help ensure safe moorage of the barges. A total of 6 barges (3 wide by 2 long) would be moored at this facility. The maximum riverward extension of the tri-pile clusters would be 45' from the normal pool shoreline. The maximum riverward extension of the moored barges would 150' from the normal pool shoreline.

Plans of the proposed work are attached to this notice.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that no sites listed on the Register are located in the project area. A copy of this public notice will be furnished to the OHSPPO for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species: Indiana bat (E), pink mucket pearly mussel (E), sheepsnose mussel (E), running buffalo clover (E), and the timber rattlesnake. Given the nature of the proposed activities, this office has preliminarily determined the project would not impact habitat suitable for the Indiana bat, running buffalo clover, and timber rattlesnake. The project is not likely to adversely impact habitat suitable for the pink mucket pearly mussel or the sheepsnose 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 REVIEW AND COMMENT: 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

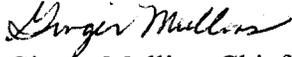
be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. 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 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. 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 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. For accuracy and completeness of the administrative 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 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.

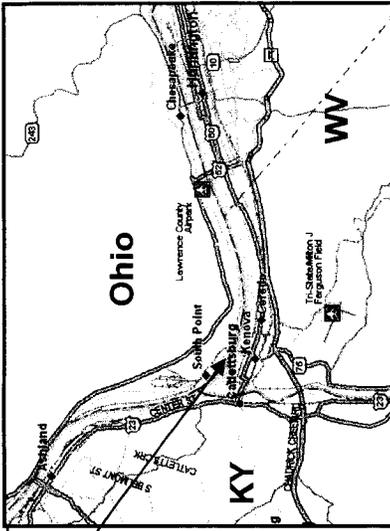
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

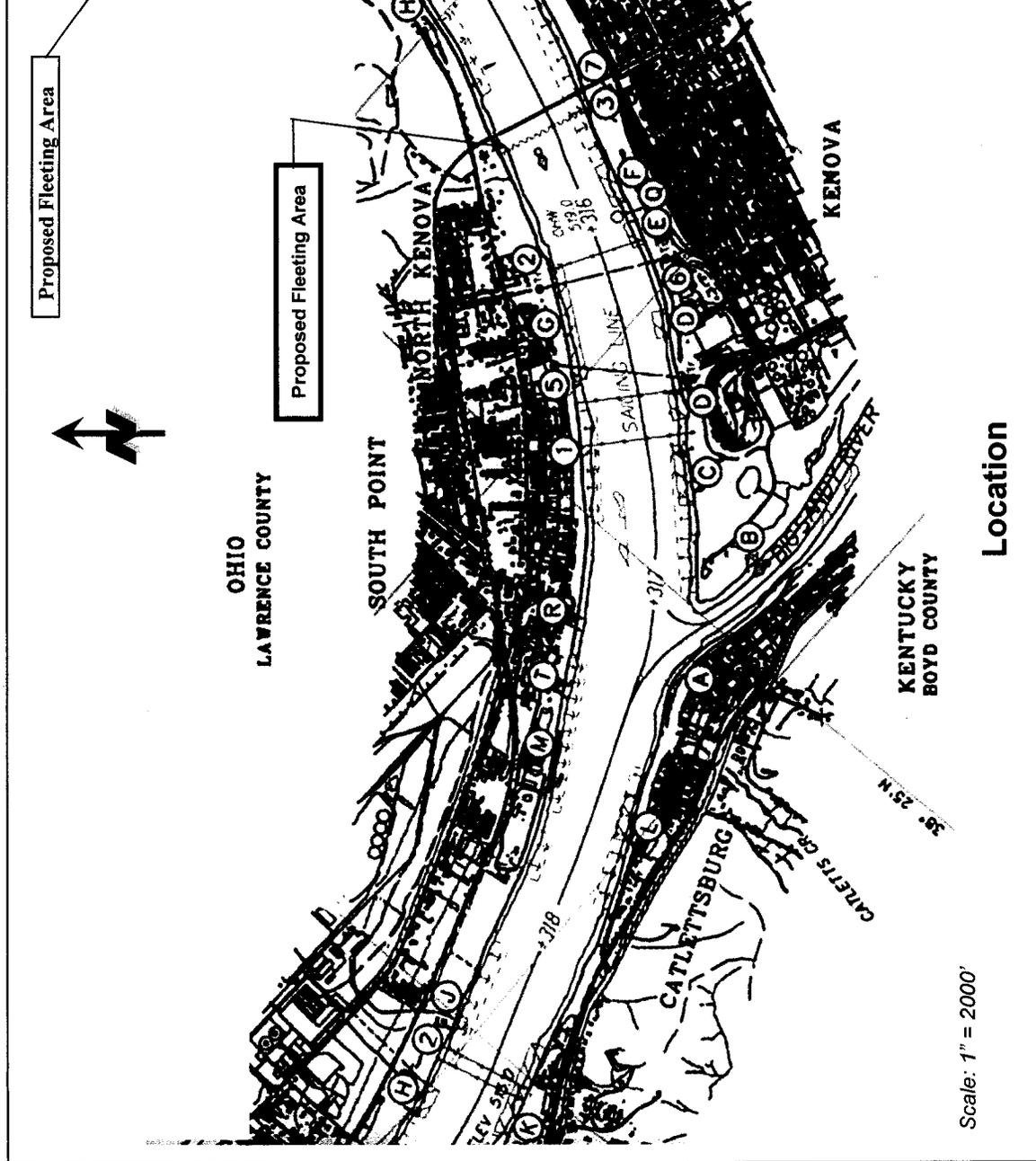
Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O, WV)



Vicinity



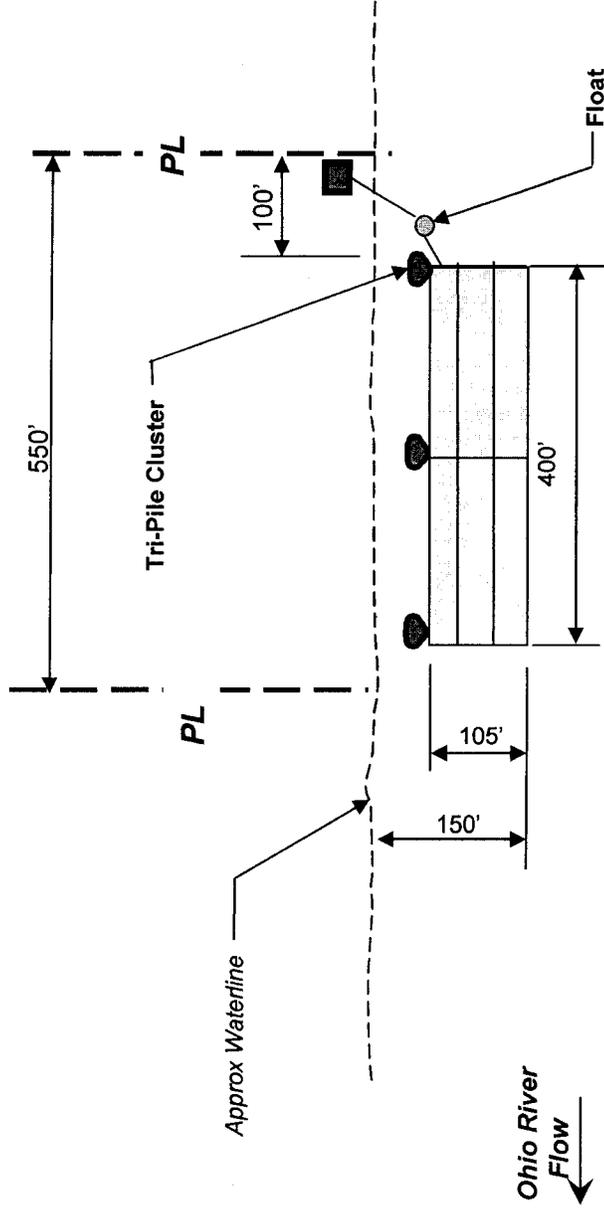
Scale: 1" = 2000'

Location

<p>Applicant: McGinnis, Inc. P.O. Box 534 South Point, OH 45680</p>	<p>McGinnis South Point Fleet <i>Location and Vicinity</i> 38 deg 24' 27.19" N 82 deg 34' 22.22" W Ohio River 315.8 RDB</p>	<p>Agent: XCorps LLC P.O. Box 144 Cincinnati Oh 45201</p>
		<p>23 Feb 2007</p>
		<p>Sheet 1 of 3</p>



Ohio

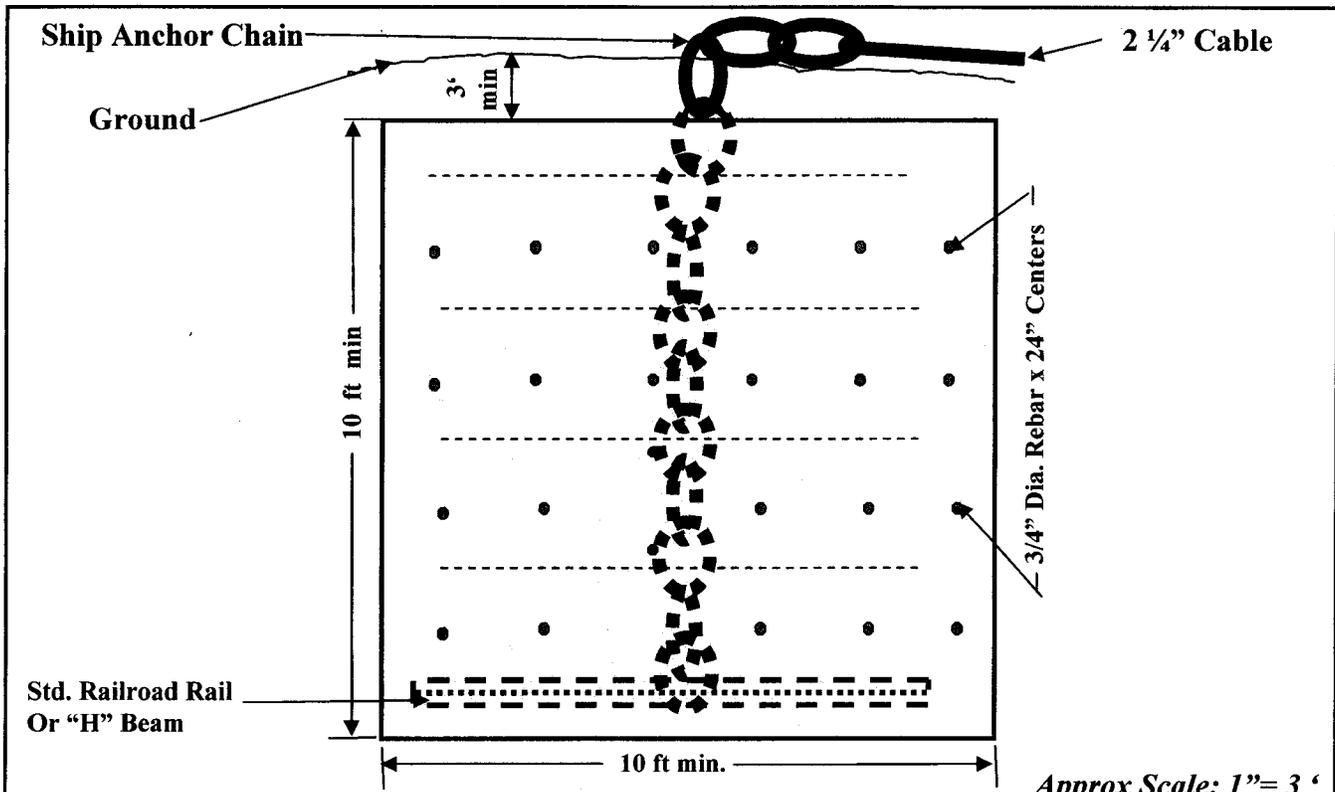


South Point Fleet
 195'x35' Barges (6 Barges)

- Tri-Pile Cluster on 195' spacing – driven to refusal
- Deadman (Concrete w/steel reinforcement)
- Float (Steel)

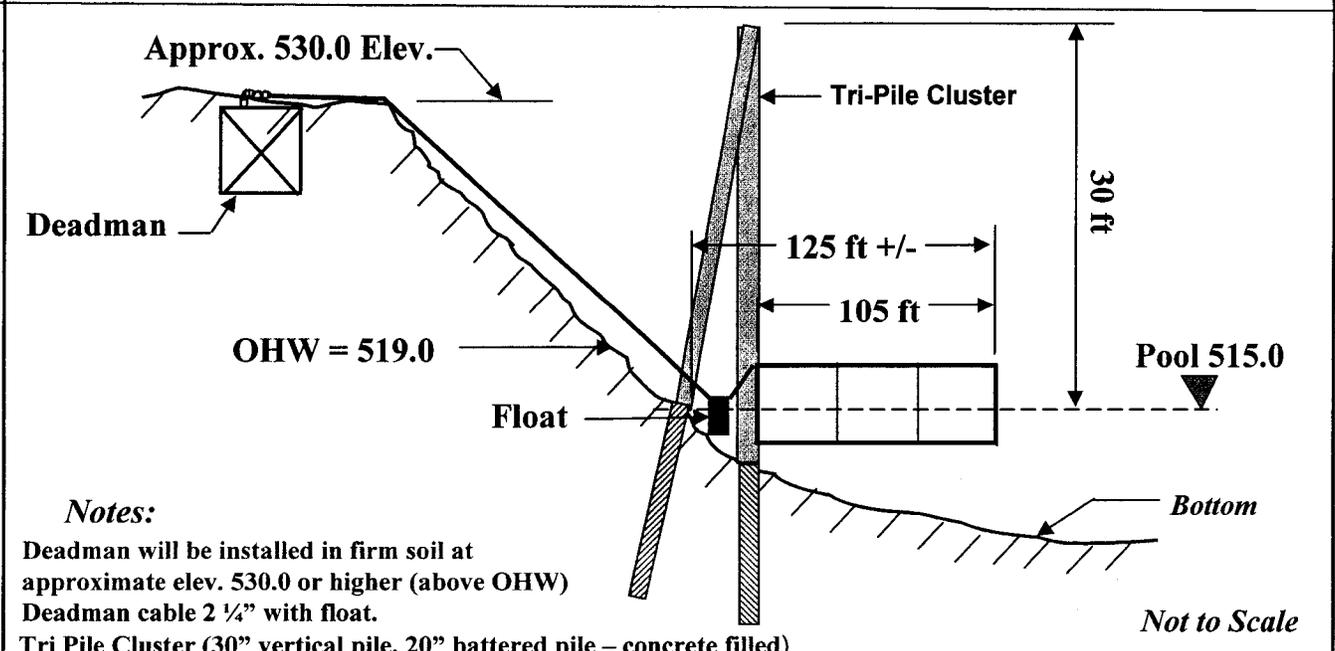
Scale: 1" = 200'

Applicant: McGinnis, Inc. P.O. Box 534 South Point, OH 45680	McGinnis South Point Fleet Plan Deadman w/Tri-Pile Clusters Ohio River 315.8 RDB	Agent: XCorps LLC P.O. Box 144 Cincinnati Oh 45201 23 Feb 2007 Sheet 2 of 3
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Deadman (75 tons min)
 Typical Size – 10 ft min x 10 ft min x 10 ft Deep

Approx Scale: 1" = 3'



Notes:

- Deadman will be installed in firm soil at approximate elev. 530.0 or higher (above OHW)
- Deadman cable 2 1/4" with float.
- Tri Pile Cluster (30" vertical pile, 20" battered pile – concrete filled)

Not to Scale

<p>Applicant McGinnis, Inc. P.O. Box 534 South Point, OH 45680</p>	<p>South Point Fleet Typical Section Looking Upstream Deadman and Tri-Pile Cluster Ohio River Mile 315.8 RDB</p>	<p>Agent XCorps, LLC P.O. Box 144 Cincinnati OH 45201 859-586-0231</p>
		<p>23 Feb 2007 Sheet 3 of 3</p>