Public Notice

U S Army Corps of Engineers
Huntington District

In reply refer to Public Notice No.	Issuance Date:
LRH-2007-878-OHR-1	**January 25, 2008**
Stream: **Ohio River**	Closing Date:
MP 309.23 to 309.67 LDB	**February 04, 2008**

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) 399-5710

NOTICE OF COMMENT PERIOD EXTENSION: The purpose of this public notice is to inform you the comment period for Public Notice No. LRH-2007-878-OHR, which was issued on December 5, 2007, has been extended through February 4, 2008 (30 days beyond closing date of original public notice). A copy of the original public notice has been attached for your convenience. All aspects of the proposal, described in the original public notice, remain unchanged.

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. 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. Any person may submit cumulative impact information, which is substantative and specifically associated with the proposed action. 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 the authority of Section 404(b) of the Clean Water Act. 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 extension 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 Mr. Michael Hatten, Project Manager, South Regulatory Section, CELRH-OR-FS, United States 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 call Mr. Michael Hatten at (304) 399-5710.

Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch

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Public Notice

U S Army Corps of Engineers
Huntington District

In reply refer to Public Notice No.	Issuance Date:
LRH-2007-878-OHR	**December 05, 2007**
Stream: **Ohio River**	Closing Date:
MP 309.23 to 309.67 LDB	**January 04, 2008**

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) 399-5710

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 United States 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. 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 and Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Campbell Transportation Company
1500 State Street North
Clairton, PA 15025

LOCATION: The project site site is located along the left descending bank of the Ohio River between river mile 309.23 and 309.67 (*below Pittsburgh, Pennyslvania*), in Huntington, Cabell County, West Virginia.

HISTORY: A Department of the Army (DA) Individual Permit (IP) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act was issued to Kanawha River Towing, Inc. (presently assumed by Campbell Transportation Company) on June 30, 1997. This DA IP authorized the applicant to construct, operate and maintain a barge fleeting facility along 2,240 linear feet of the left descending bank by installing six concrete deadmen (above ordinary high water mark) and mooring a maximum of 60 barges between two 30-barge fleets. In addition, DA IP allowed the installation of 10 spur barges attached to the deadmen by stiff arms. The maximum riverward extension of the facility was 265 feet from the normal pool shoreline. This authorization required that construction be completed by December 21, 2000. An initial request for an extension received in this office, on November 20, 2000, was approved and extended the construction period through December 31, 2003. No construction activities were completed.

DESCRIPTION OF THE PROPOSED WORK: On August 13, 2007, Campbell Transportation Company (CTC) submitted a revised application requesting a DA IP for construction of a 90-barge fleeting facility within two 45-barge fleets extending 2,303 linear feet along the left descending bank of the Ohio River [Reference the attached Exhibit 1]. Each fleet would extend 975 feet parallel to- and 380 feet riverward of the normal pool shoreline. The width of the river at this location is approximately 1,400 feet between the left- and right descending shorelines. There would be a 200 foot break between the two fleets. The project would involve the discharge of dredged and fill material into waters of the U.S. in conjunction with the construction of the proposed barge fleeting facility. The two barge fleets would involve the placement of ten spar barges along their shore-ward alignment for mooring. The two fleets would be secured by the installation of four 20-inch diameter concrete cassions and four concrete deadmen (reference Sheet 1 of 4). The cassions would be drilled and installed a depth of approximately ten feet below the streambed (into bedrock) and backfilled with concrete, which would result in the excavation of seven cubic yards of material as well as the discharge of seven cubic yards of (concrete) fill material below the ordinary high water mark. The caissons would be attached to mooring floats by steel cable. The concrete deadmen would also be placed below the ordinary high water mark and involve the discharge of 75 cubic yards of concrete. Vegetation along the shore-ward alignment would not be altered from its existing condition, except within the vicinities of the four deadmen installation sites.

No dredging is required within the proposed fleeting area at this time. However, the applicant has requested authorization to perform up to 1,000 cubic yards of maintenance dredging per year for a period of ten years within the fleet area (depicted on Sheet 2 of 4). All excavated and dredged materials would be transported to an approved upland disposal site.

ALTERNATIVE ANALYSIS: The project is considered to be water dependent and thus requires access to or siting within waters of the United States to fulfill its basic purpose.

MITIGATION PLAN: The applicant has provided a final compensatory mitigation plan (CMP) to offset impacts to jurisdictional waters of the United States. The final CMP will be coordinated with the state and federal resource agencies. The final CMP proposes the installation of 15 zipper dikes at the upstream end of Middle Island, which is an Ohio River National Wildlife Refuge, located at Ohio River Mile Point 153.0. The goal of the mitigation is to prevent further erosion of the island, as well as develop riparian areas. The rise and fall of the river level is expected to deposit materials on the shore-ward side of the dikes, which would stabilize the island banks and result in additional area for vegetated riparian areas.

WATER QUALITY CERTIFICATION: Pursuant to Section 401 of the Clean Water Act, a Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and no properties are currently listed on the register in the area affected by the project. This public notice serves as coordination with the State Historic Preservation Officer regarding historic properties. If the West Virginia Division of Culture and History believe any potential effects to historic properties may result from the proposed permitting action, we request they provide information to this office pursuant to Section 106 of the National Historic Preservation Act. Comments concerning archaeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: This public notice also serves as coordination with the United States Fish and Wildlife Service (USFWS) regarding threatened or endangered species. The proposed project lies within the distribution range of the Indiana Bat (*Myotis sodalis*), Pink Mucket Pearly (*Lampsilis abrupta*) and Eastern Cougar (*Felis concolor cougar)*, as indicated on the West Virginia listed species roster provided by the USFWS (revised February 2007). If the Service believes any potential effects to federally listed species would be attributable to the Huntington District's proposed permitting action, we request the Service provide information pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

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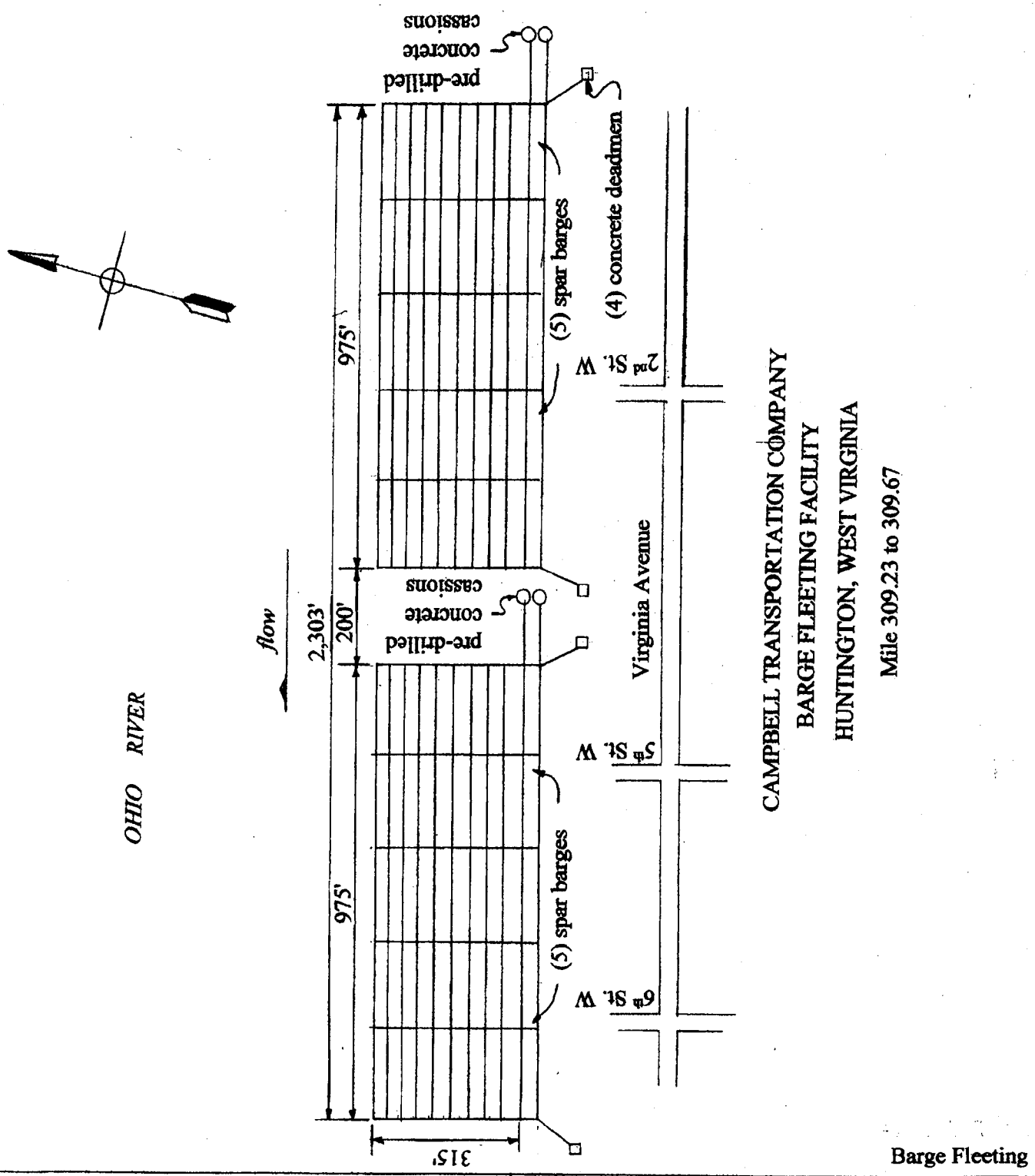
Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch

(W)



BOWER'S PERMIT CONSULTING **Permit Consultant and Coordinator** 227 Indiana Street, Huntington, WV 25704 TEL: 304.429.4145 FAX: 304.429.2308 E-Mail: jbbjbower@peoplepc.com	Campbell Transportation Company Barge Fleeting Ohio R.- Mile 309.23 -309.67 Date: June 2007 ------- Scale 1" = 300' Huntington, West Virginia

Public Notice No. LRH-2007-878-OHR
Ohio River MP 309.23 to 309.67 LDB
Campbell Transportation Company
Exhibit 1 of 6

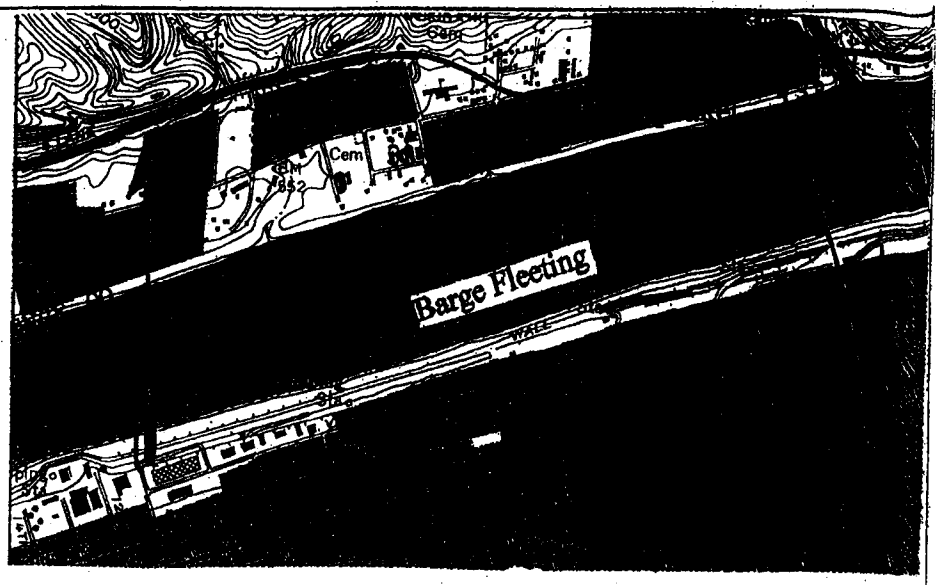
NOTES

1. Four 20-inch diameter rock cassions will be installed by pre-drilling 10-feet into rock and backfilling with grout concrete. An anchor chain and anchor H-beam would be installed and placed in the cassion.

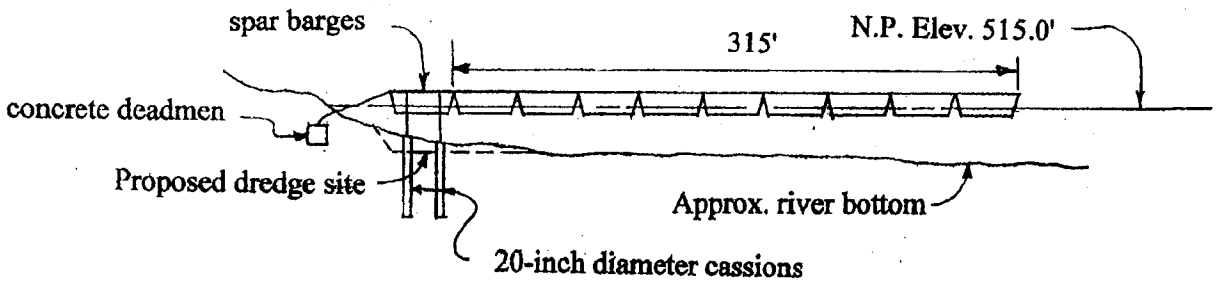
2. The concrete deadmen will be 5-feet high and 10-feet by 10-feet square. Cables or chains will be used to tie the deadmen to the barges.

3. Ten spar barges will be tied and moored near the shoreline to tie to and stabilize the fleet of loaded and empty barges.

4. Maintenance dredging will be performed as needed, up to 1,000 cyds. of material per year, for a 10 year period. The dredge location is shown on this drawing.



Vicinity Map
Scale: 1" = 2000'



Section - Looking Downstream
Scale: 1: - 100'

Dwg. Rev. Oct. 16, 2007 Barge Fleeting

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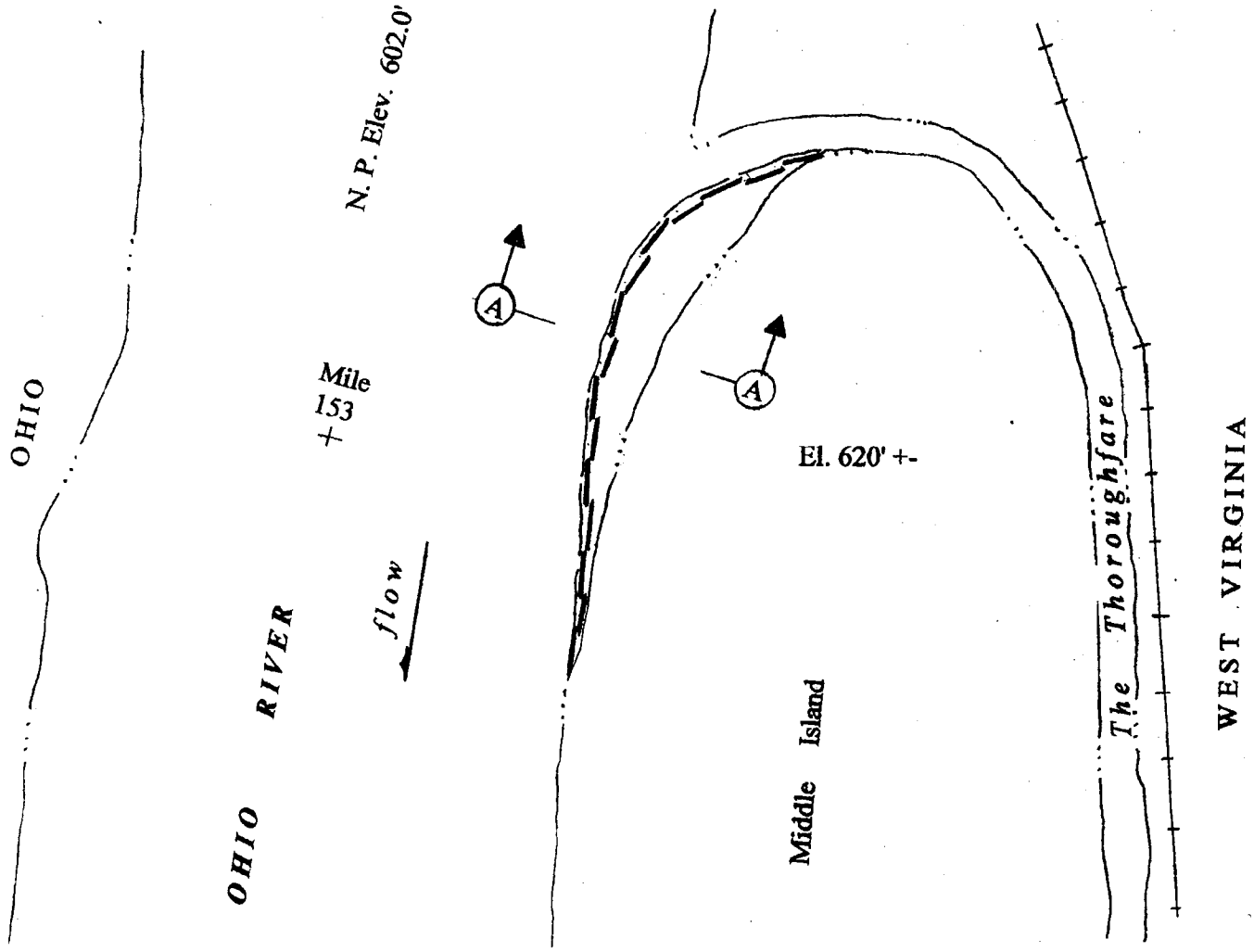
Campbell Transportation Company
Barge Fleeting
Ohio R.- Mile 309.23 -309.67
Date: June 2007 ------- Scale: As Shown
Huntington, West Virginia

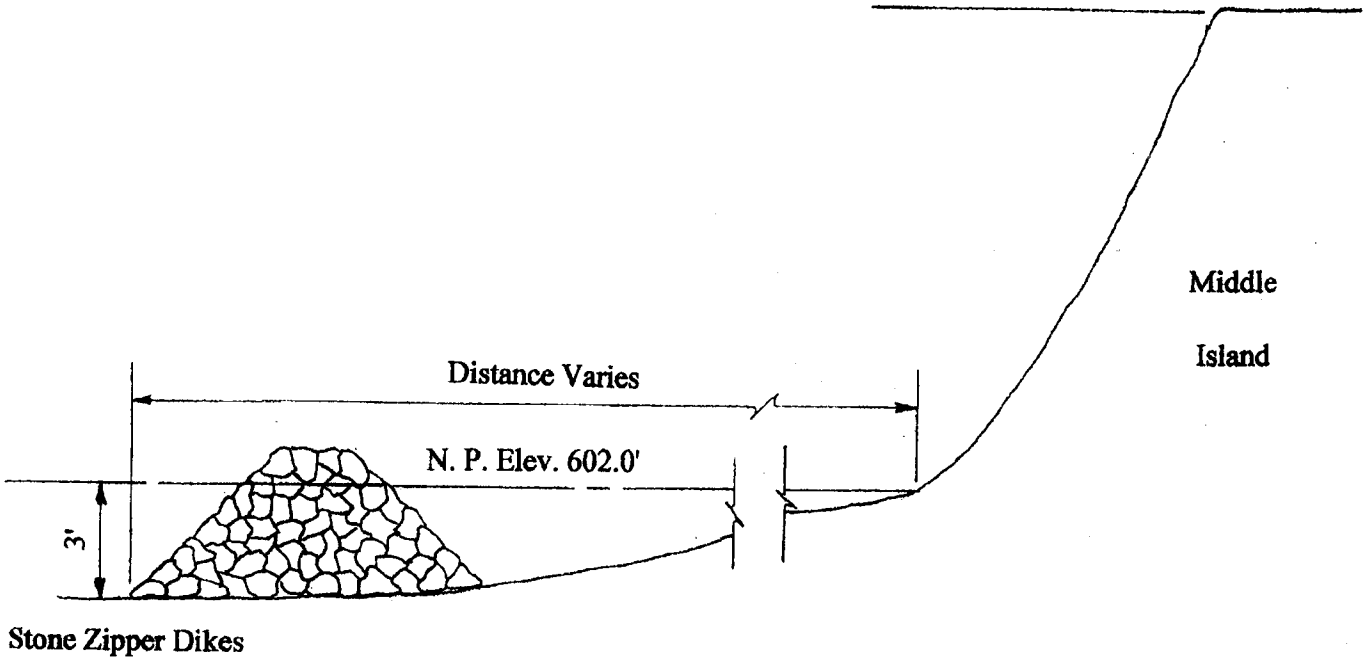


Middle Island Mitigation
Site Plan
Scale: 1" = 400'

Middle Island Mitigation Site

BOWER'S PERMIT CONSULTING **Permit Consultant and Coordinator** 227 Indiana Street, Huntington, WV 25704 TEL: 304.429.4145 FAX: 304.429.2308 E-Mail: jbbjbower@peoplepc.com	Campbell Transportation Company Middle Island Mitigation Site Ohio River Mile 153.0 Date: June 2007 ------- Scale: As Shown Huntington, West Virginia

Public Notice No. LRH-2007-878-OHR
Ohio River MP 309.23 to 309.67 LDB
Campbell Transportation Company
Exhibit 3 of 6



Middle Island Mitigation
Section A-A
Scale 1" = 5'

NOTES

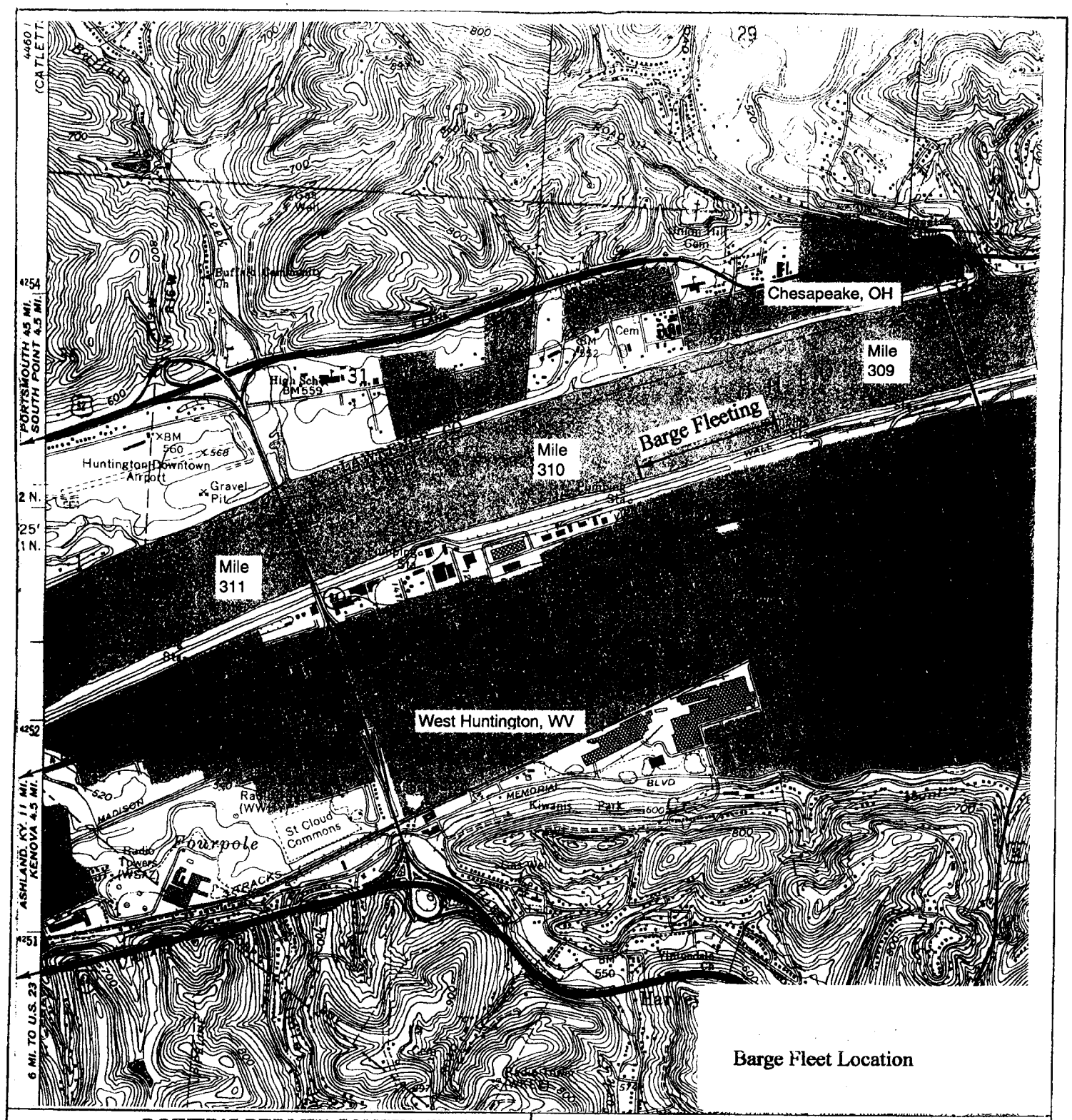
1. A total of (15) fifteen zipper dikes is proposed to form a perimeter at approximately 3' below the normal pool Elevation 602.0'. The plan for the dikes is as shown on sheet 3 of 4 of the enclosed drawings.

2. The dikes will be constructed of stone and each dike will contain about 140 cubic yards. A total of approximately 2,100 cubic yards of material will be used in the (15) fifteen zipper dikes..

Middle Island Mitigation Site

BOWER'S PERMIT CONSULTING **Permit Consultant and Coordinator** 227 Indiana Street, Huntington, WV 25704 TEL: 304.429.4145 FAX: 304.429.2308 E-Mail: jbbjbower@peoplepc.com	Campbell Transportation Company Middle Island Mitigation Site Ohio R.- Mile 153.0 Date: June 2007 ------ Scale: As Shown Huntington, West Virginia

Public Notice No. LRH-2007-878-OHR
Ohio River MP 309.23 to 309.67 LDB
Campbell Transportation Company
Exhibit 4 of 6



BOWER'S PERMIT CONSULTING

Permit Consultant and Coordinator

227 Indiana Street, Huntington, WV 25704

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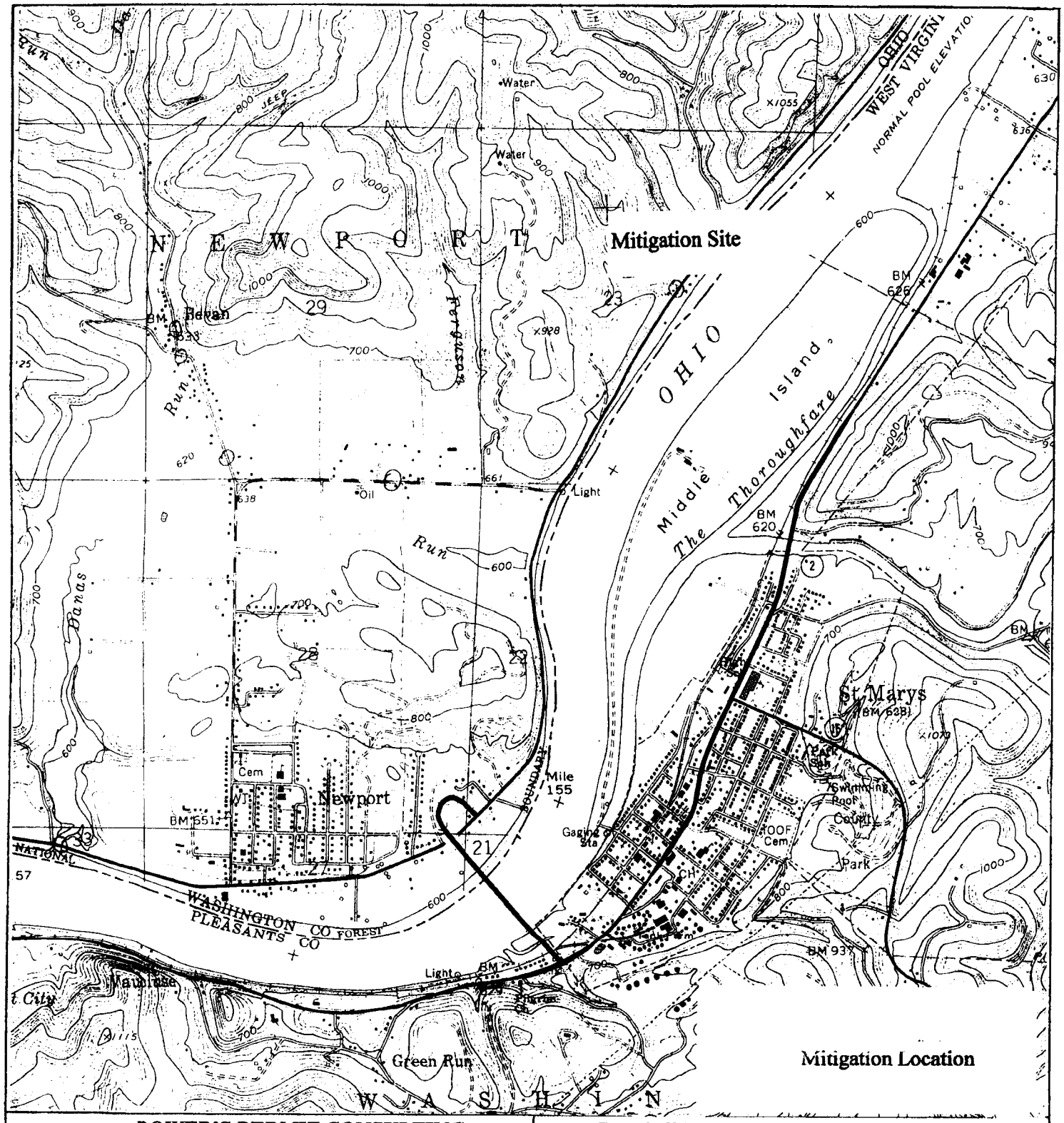
Campbell Transportation Company
Barge Fleeting Site
Ohio R.- Mile 309.23 - 309.67
Date: June 2007 ------- Scale: As Shown
Huntington, West Virginia

Public Notice No. LRH-2007-878-OHR
Ohio River MP 309.23 to 309.67 LDB
Campbell Transportation Company
Exhibit 5 of 6



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Campbell Transportation Company
Middle Island Mitigation Site
Ohio R.- Mile 153.0
Date: June 2007 ------- Scale: 1" = 2000'
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Ohio River MP 309.23 to 309.67 LDB
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Exhibit 6 of 6