



# Public Notice

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

In reply refer to Public Notice No.  
2007-1174

Issue Date:  
March 17, 2008

Stream: Ohio River mile 129.7  
left descending bank

Closing Date:  
April 15, 2008

**Please address all comments and inquiries to:**

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-FS Public Notice No. 2007-1174

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 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 watercourse, 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 (U.S.), 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 1899.

**APPLICANT:** Chemical Lime Company  
P.O. Box 488  
Ste. Genevieve, Missouri 63670-0488

**LOCATION:** The proposed project would be located on the left descending bank (LDB) of the Ohio River, latitude 39° 37' 20" and longitude -80° 52' 41", 129.7 miles downstream of Pittsburgh, Pennsylvania, approximately 1.4 miles southeast of New Martinsville, in Wetzel County, West Virginia, as depicted in the attached Location Map (Drawing 1).

**PROJECT HISTORY:** On July 1, 1994, Arrow Terminals was authorized under Department of the Army Permit #57365 to construct and operate an unloading dock and fleeting area along the LDB of Ohio River mile 129.7. On April 3, 2003, permit #57365 was transferred to Chemical Lime Company.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to perform annual maintenance dredging for a period of ten years to improve barge ingress/egress adjacent to the existing authorized unloading dock and fleeting area indicated in Drawing 2. Using a clamshell bucket mounted on a derrick boat the applicant would initially dredge approximately 4,500 cubic yards from five areas as indicated in Drawing 3. After the initial dredging operation the applicant proposes to dredge approximately 2,000 cubic yards per year. Typical section views of proposed dredging at the unloading dock and fleeting area are provided in Drawings 4 and 5. The applicant would be required to notify this office prior to the commencement of any dredging activity to allow a "Notice to Navigation" to be provided to the appropriate navigation interests.

The applicant has proposed off-site dredged material disposal in an upland area approved for dredged material disposal by the Corps of Engineers' Pittsburgh District. The disposal site is located near the left descending bank of the Monongahela River, at river mile 38.9, approximately one mile west of the Town of Donora, in Washington County, Pennsylvania (latitude 40° 10' 08" and longitude -79° 52' 59") as depicted in Drawing 6. The permittee would be responsible for submitting a Facility Operating Plan (FOP) in accordance with the "Guidelines for Preparation of a Facility Operating Plan" within 30 days of completion of construction.

**HISTORIC AND CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it was determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** 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).

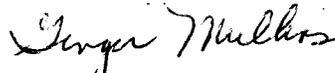
**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth 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.

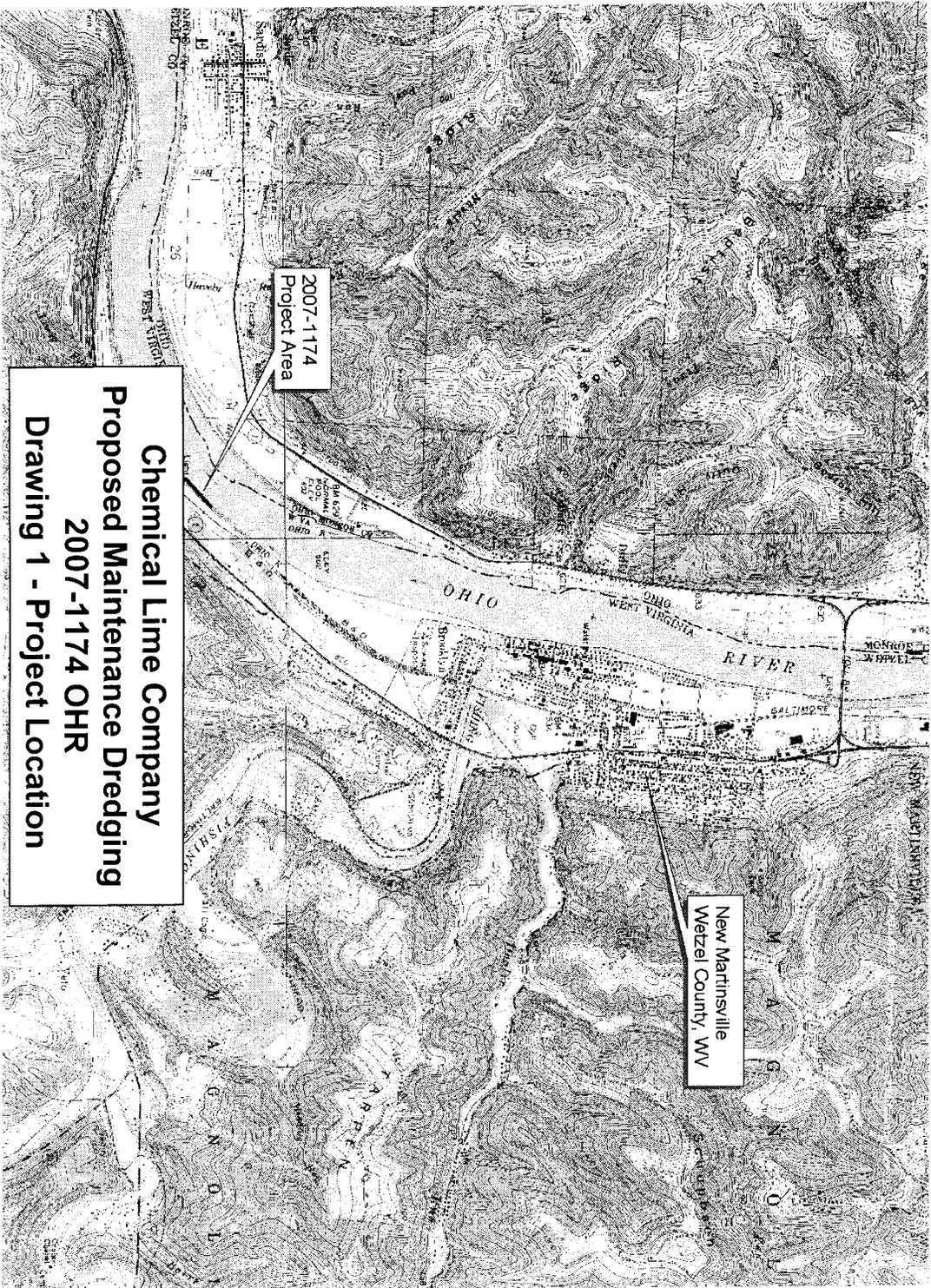
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests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

U.S. Army Corps of Engineers, Huntington District  
Attn. CELRH-OR-FS, Public Notice 2007-1174  
502 Eighth Street  
Huntington, West Virginia 25701-2070

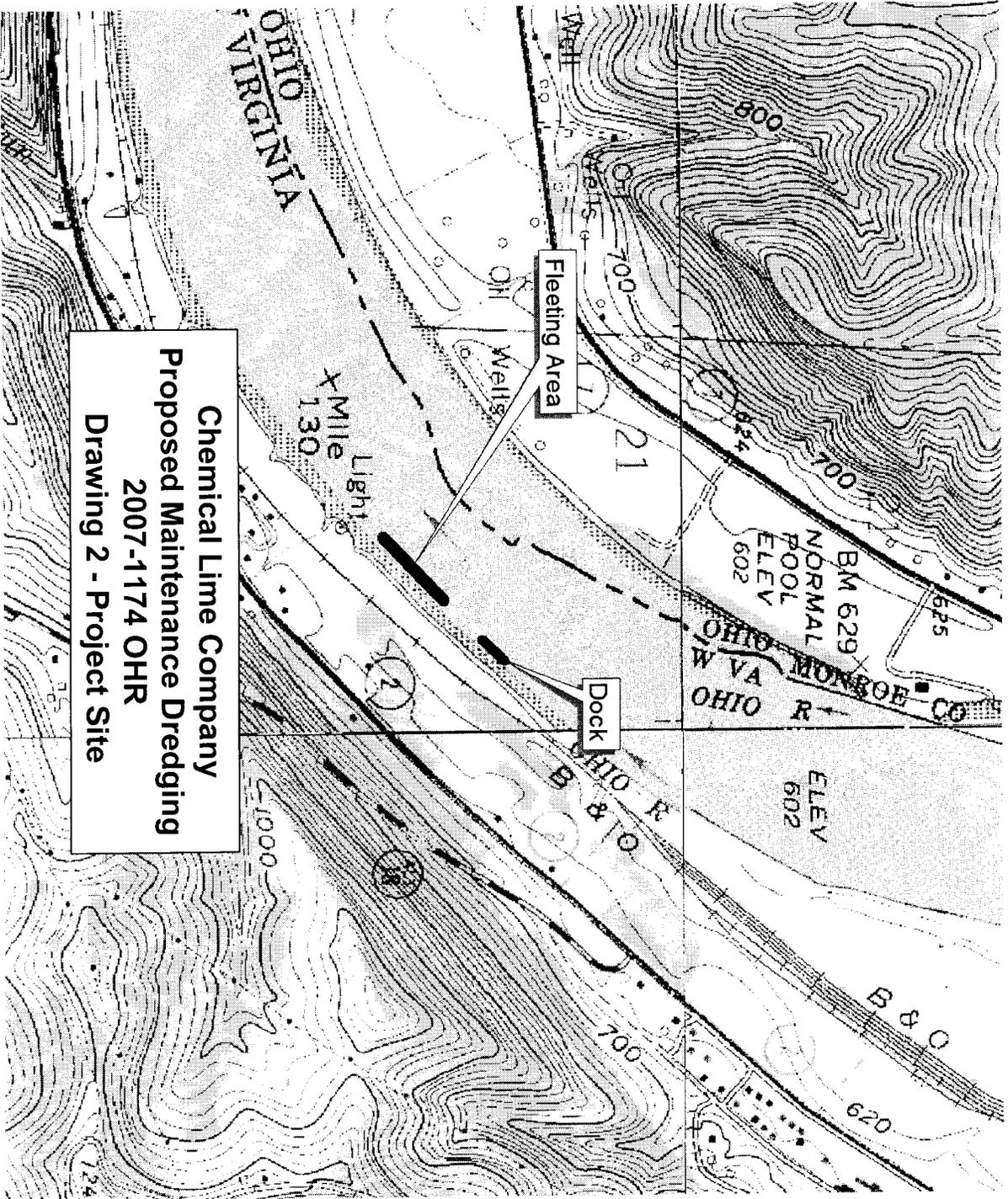
Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Richard A. Hemann of the South Regulatory Section at 304-399-5710.

  
Ginger Mullins, Chief  
Regulatory Branch

(O,W)



**Chemical Lime Company**  
**Proposed Maintenance Dredging**  
**2007-1174 OHR**  
**Drawing 1 - Project Location**



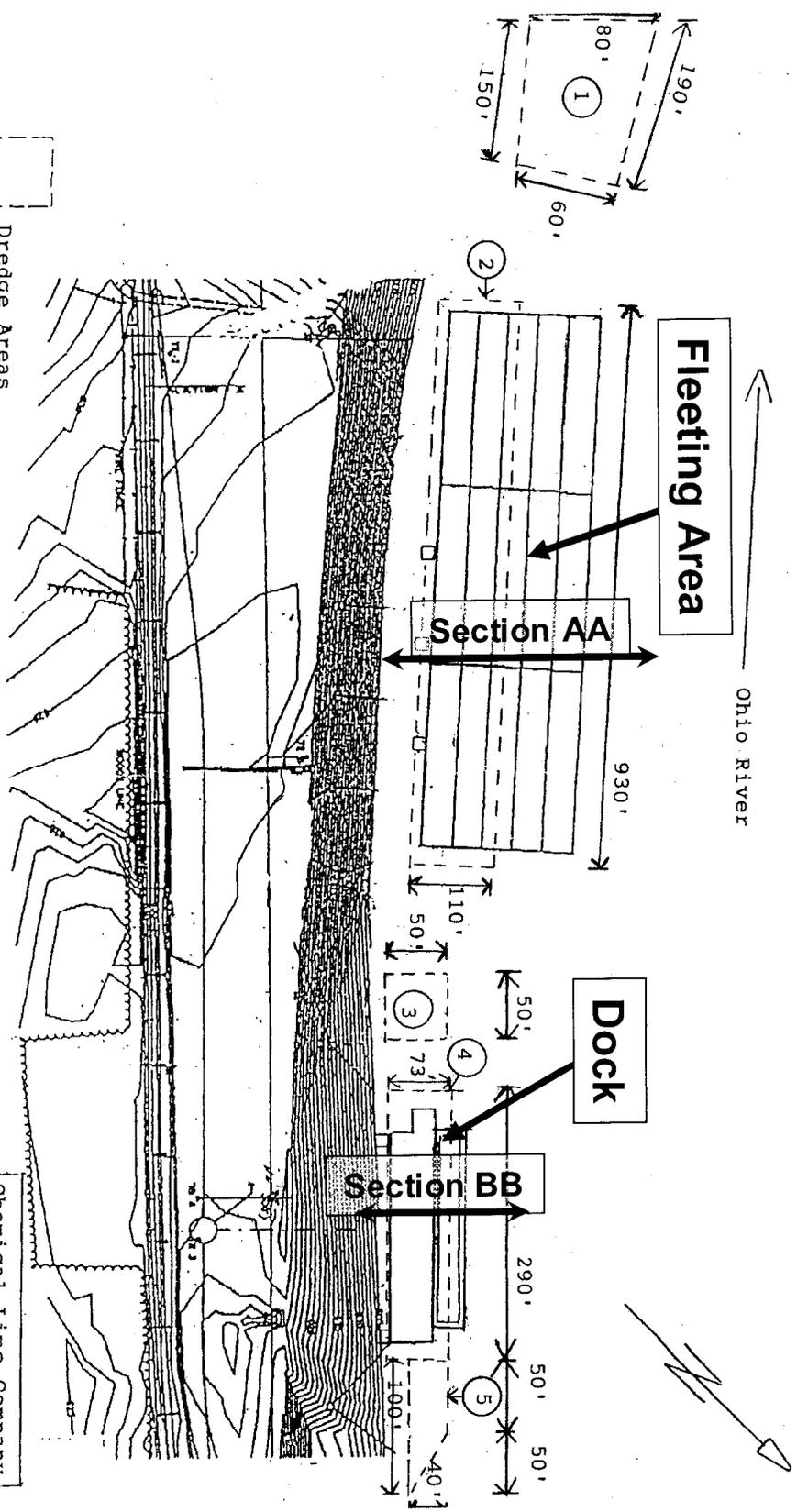
- ① 600 cu. yds.
- ② 2,000 cu. yds.
- ③ 400 cu. yds.
- ④ 1,200 cu. yds.
- ⑤ 300 cu. yds.



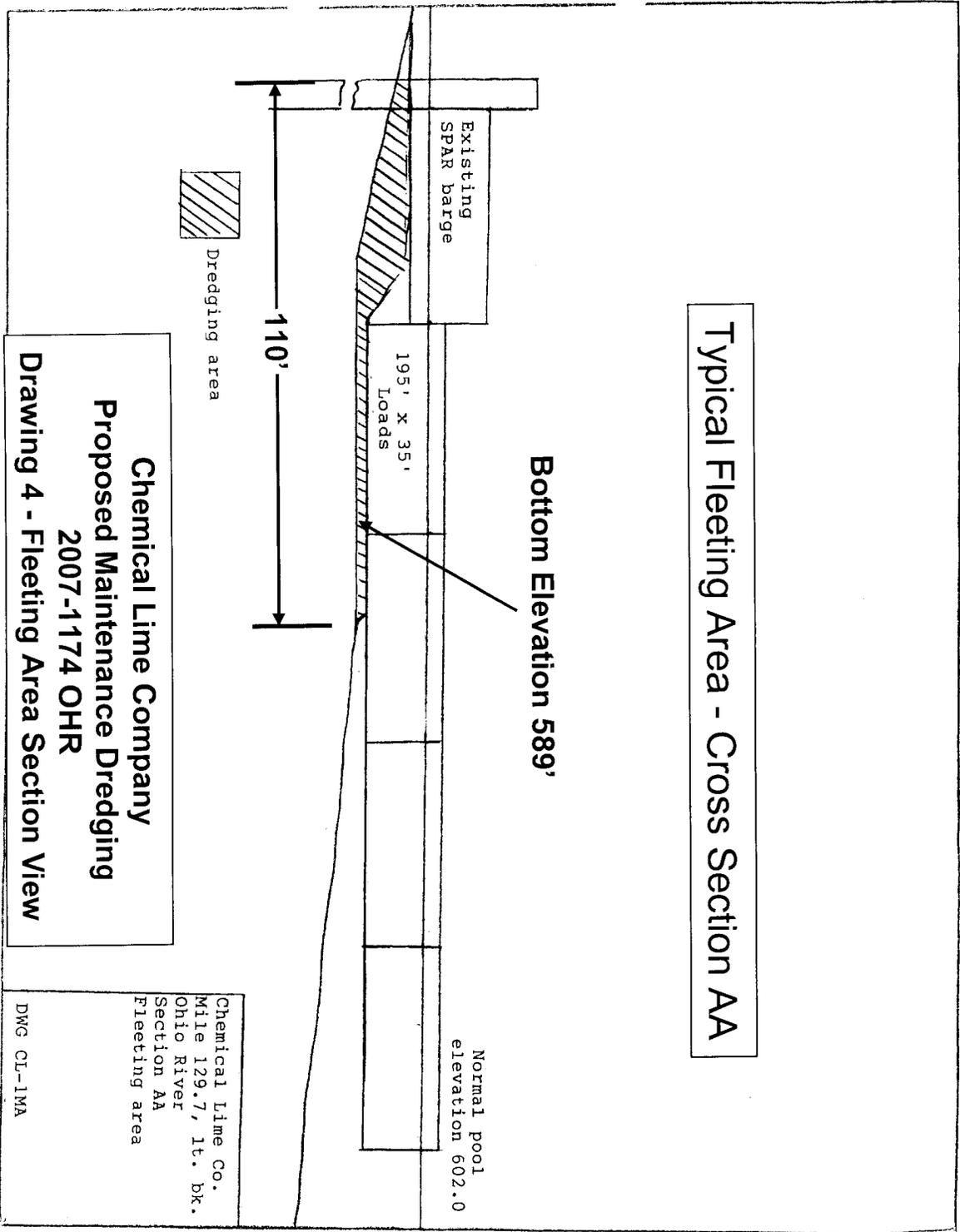
**Chemical Lime Company  
Proposed Maintenance Dredging  
2007-1174 OHR  
Drawing 3 - Dredge Areas**

Chemical Lime Company  
mile 129.7, LDB, Ohio  
River.  
Maintenance dredging,  
lime unloading dock  
and fleeting area.

DWG CL-1M

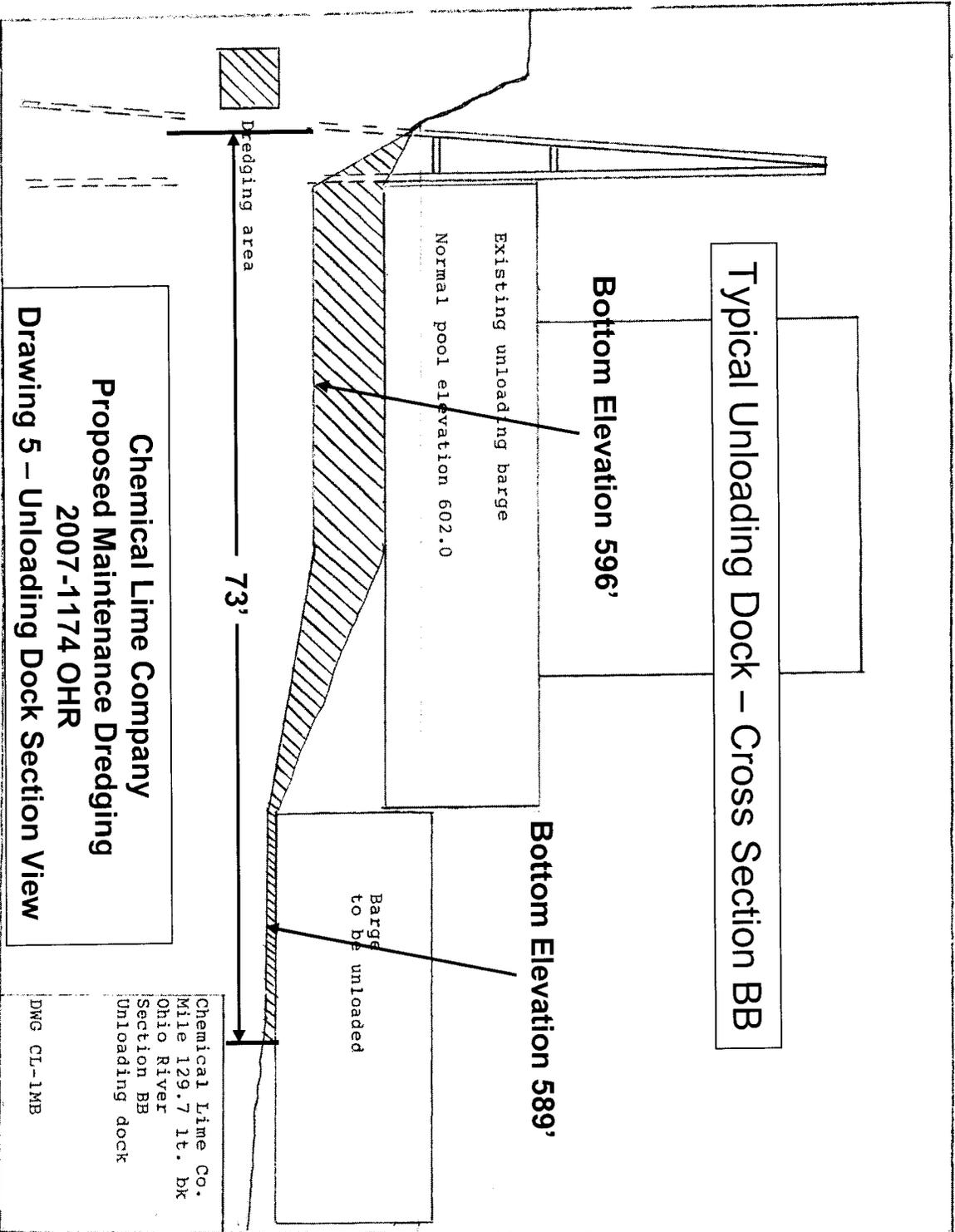


Typical Fleeting Area - Cross Section AA



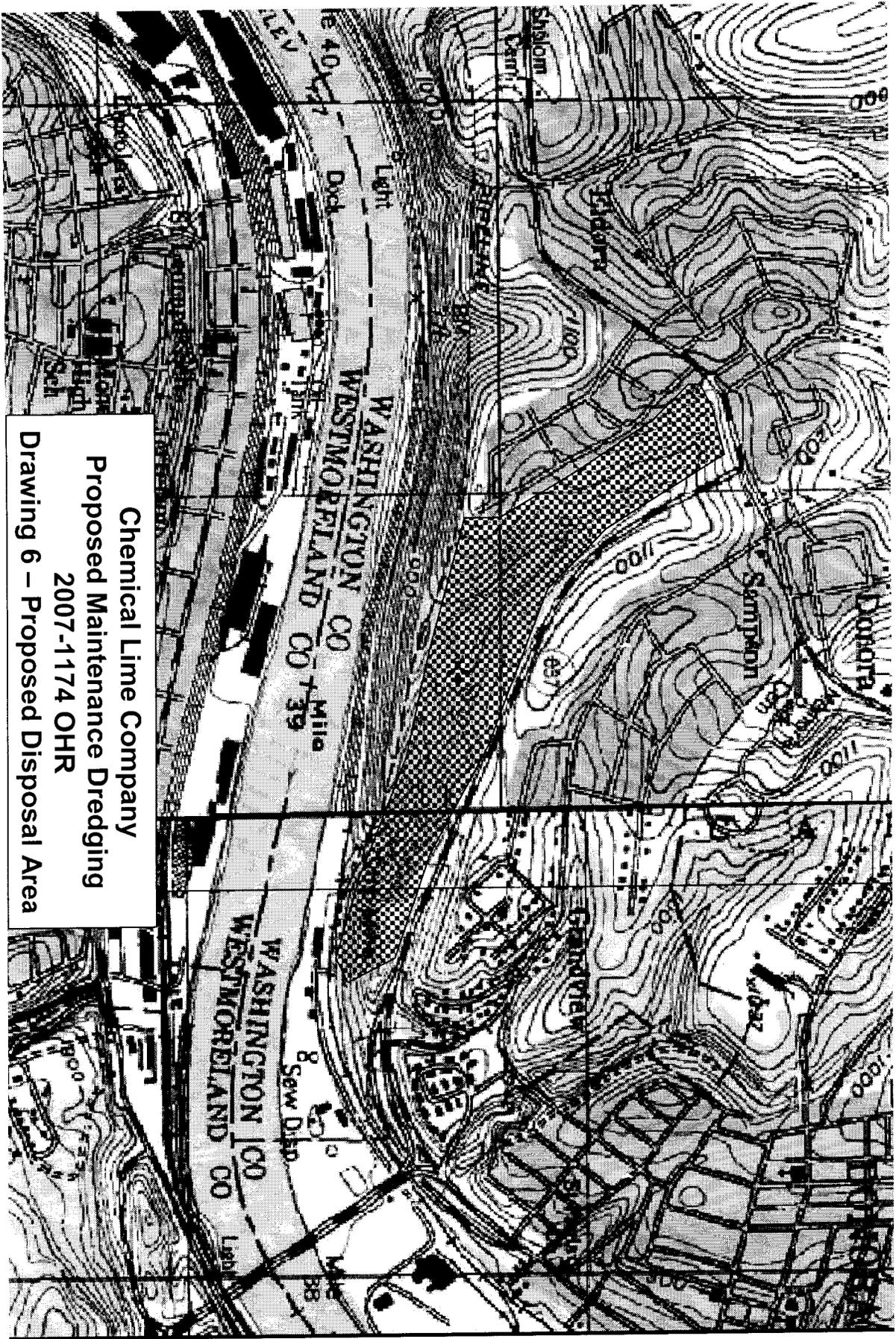
**Chemical Lime Company  
Proposed Maintenance Dredging  
2007-1174 OHR  
Drawing 4 - Fleeting Area Section View**

Chemical Lime Co.  
Mile 129.7, lt. bk.  
Ohio River  
Section AA  
Fleeting area  
DWG CL-1MA



Chemical Lime Company  
 Proposed Maintenance Dredging  
 2007-1174 OHR  
 Drawing 5 – Unloading Dock Section View

Chemical Lime Co.  
 Mile 129.7 lt. bk  
 Ohio River  
 Section BB  
 Unloading dock  
 DWG CL-1MB



Chemical Lime Company  
Proposed Maintenance Dredging  
2007-1174 OHR  
Drawing 6 – Proposed Disposal Area