



U S Army Corps
of Engineers
Huntington District

Public Notice

In reply refer to Public Notice No. LRH-2008-224-OHR Issuance Date: March 12, 2008

Stream: Ohio River

Closing Date: April 11, 2008

Please address all comments and inquiries to:

U.S. Army USACE 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 U.S. Army Corps of Engineers (USACE) has played an important role in the development of the nation's water resources. This has involved construction of harbor fortifications and coastal defenses, and over time, has included the improvement of waterways to facilitate commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the USACE Regulatory Program.

SECTION 10: The USACE 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 USACE 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 404 of the Clean Water Act. This notice serves as the USACE request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Broad Run Dock LLC
Post Office Box 870
New Haven, West Virginia 25265

LOCATION: The proposed project is located along the left descending bank of the Ohio River, 243.7 downstream of Pittsburgh, Pennsylvania, near the mouth of Little Broad Run, just upstream of the community of New Haven, in Mason County, West Virginia. Ohio River is a navigable (Section 10) water of the United States

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to construct a coal offloading facility along the Ohio River. The facility would include a 35-foot diameter upstream cell that would provide support for the conveyor to the telescoping chute proposed for direct loading of barges at the facility. Three additional cells (3 – 20-foot diameter cells) would be installed for safe and efficient barge fleetings. Installation of all four structures would be expected to displace approximately 350 cubic yards (over a footprint of 1,904 square feet) of channel. Installation of these cells would commence immediately downstream of the active American Electric Power barge unloading facility along the Ohio River adjacent to the Mountaineer Power Plant. The cells would be placed with their riverward edge at approximately 50 feet at normal pool shoreline (n.p.s.)(538 feet). Each cell would be constructed of rough steel sheet piling, driven to refusal and filled with clean gravel/rubble. Cells would be spaced about 195 feet apart, and the operational length of shoreline, including ingress and egress to the facility, would affect a length of channel near the shore of approximately 1,420 linear feet. Fleet arrangement would not exceed four barges wide by four barges long, for a maximum number of barges to be moored at this facility of sixteen. Loaded and empty jumbo barges, measuring 195 feet long by 35 feet wide, would be fleetings along the proposed offloading facility. Thus, at a maximum, the barges would extend 140 feet from the riverward face of the mooring from the cells. The proposed Broad Run facility would not require any new construction of shoreward facilities, but would use existing industrial facilities and an overhead conveyor for barge loading at its upstream cell and would use the additional three mooring cells for securing loaded barges and empty barges. The operational layout of these proposed cells would follow the pattern used by the upstream facility and would not encroach further into the channel than the existing facility and would use all appropriate lighting and safety precautions. The purpose of the facility is to facilitate offloading of coal for delivery to the market during times when plant usage is low. Plans for the proposed offloading facility are shown on the attached drawings.

The applicant also proposes to perform periodic maintenance dredging at this facility from a work barge, with a clamshell dredge. Initially, approximately 4,268 cubic yards of material would be removed from the channel bottom along the proposed fleetings area. Dredging would be performed with a clamshell dredge. No dredging would be performed than 30 feet from the n.p.s. A maximum of 4,268 cubic yards of material would be dredged from the river bottom, placed in barges and transported to the O-Kan marine disposal facility, near rivermile 266.0, LDB, on the Ohio River for disposal, placed upon an approved upland site in a manner as to prevent its reentry into waters of the United States. After this initial dredging, additional dredging would only be conducted on an as-needed basis to allow safe operation of the fleet within the facility footprint. The purpose of this dredging component of the work is to increase water depth along the length of the facility and provide sufficient water depth for fleetings of empty and loaded barges. The permittee is responsible for submitting a Facility Operating Plan (FOP) in accordance with the "Guidelines for Preparation of a Facility Operating Plan" (attached), within 30 days of completion of construction. A notice to navigation would be issued prior to the proposed construction and dredging activities.

ALTERNATIVE ANALYSIS: This project is considered to be water dependent; due to the requirement for access to the water transportation corridor to provide the bulk coal product to identified markets. No permit will be issued until review of the project clearly shows that an upland alternative is not available to achieve the project purpose.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the WVDEP.

MITIGATION PLAN: As noted above, a total of 1,904 square feet of channel bed would be displaced by the installation of the mooring cells. The proposed construction would displace river bed muck with rough steel sheet piling. This channel bed impact would be mitigated by the installation of limestone boulders on the shoreward side of the loading cells to provide fish habitat.

HISTORIC AND CULTURAL RESOURCES: On-site reviews of the area indicate that the shoreline adjacent to the proposed cell construction has been excavated, graded, re-seeded and otherwise affected by past construction. Review of aerial photographs, USGS mapping, and site photographs provide evidence that this site has been historically and recently utilized for an active industrial facility. The applicant does not propose any additional shoreward facilities to be installed. The conveyor to loading barge would initiate at existing facilities on the upper channel banks, with no additional construction proposed on the lower bank terrace. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: This project is located within the known or historic range of the following federally listed endangered species:

Indiana bat (*Myotis sodalis*)
Pink mucket pearly mussel (*Lampsilis abrupta*)
Fanshell mussel (*Cyprogenia stegaria*)

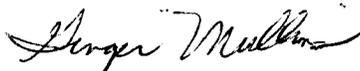
Due to existing land use of shoreward lands as an industrial facility and the past removal of tree canopy from the lower bank terrace, the project is not likely to affect the continued existence of any endangered species or threatened species or result in the destruction of or adverse modification of critical habitat. The applicant has surveyed for endangered aquatic species and found no threatened or endangered species at the proposed impact site. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information on listed endangered or threatened species that may be present in the area which could be affected by the activity, pursuant to Section 7 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 be clearly set forth in 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 USACE, and with 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

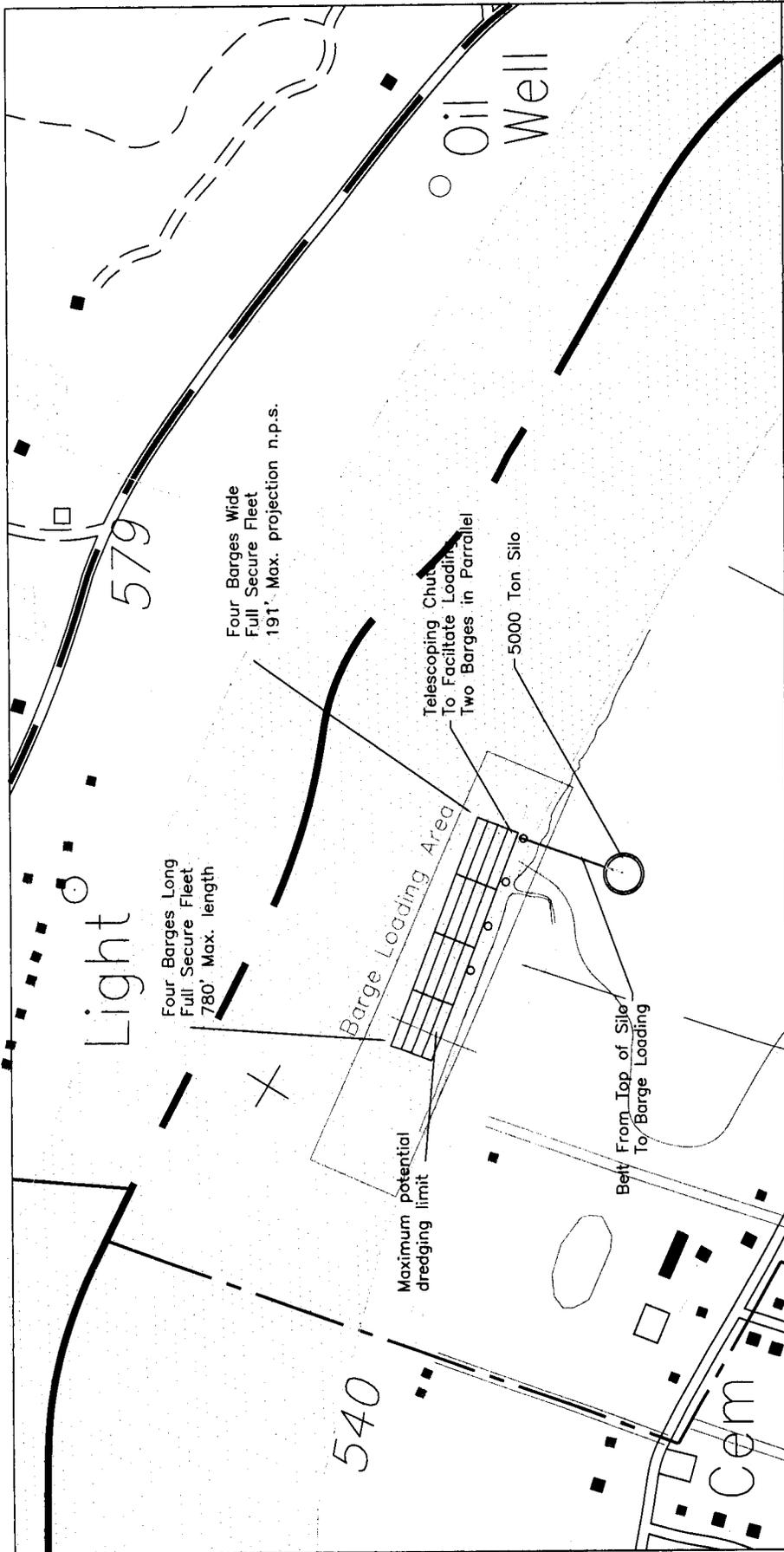
whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonable may be 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; on 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 USACE 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 USACE 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 date 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 Mrs. Teresa Spagna, Project Manager, South Regulatory Section, CELRH-OR-FS, USACE Huntington District, 502 Eighth Street, Huntington, WV 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions, you may contact Mr. Teresa Spagna of the South Regulatory Section at (304) 399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)



BROAD RUN DOCK, LLC

Proposed Extension of Existing
Barge Loadout Facility
In the Ohio River
near river mile mark 243.7

Rev: 03-05-08
Rev: 10-20-07
Date: 10-10-06

Sheet 3 of 6

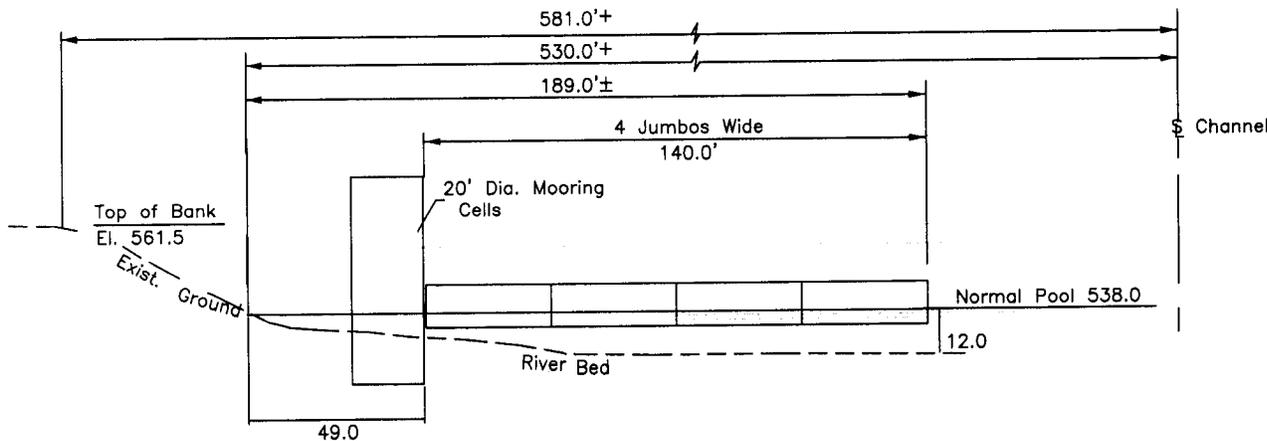
PLAN VIEW



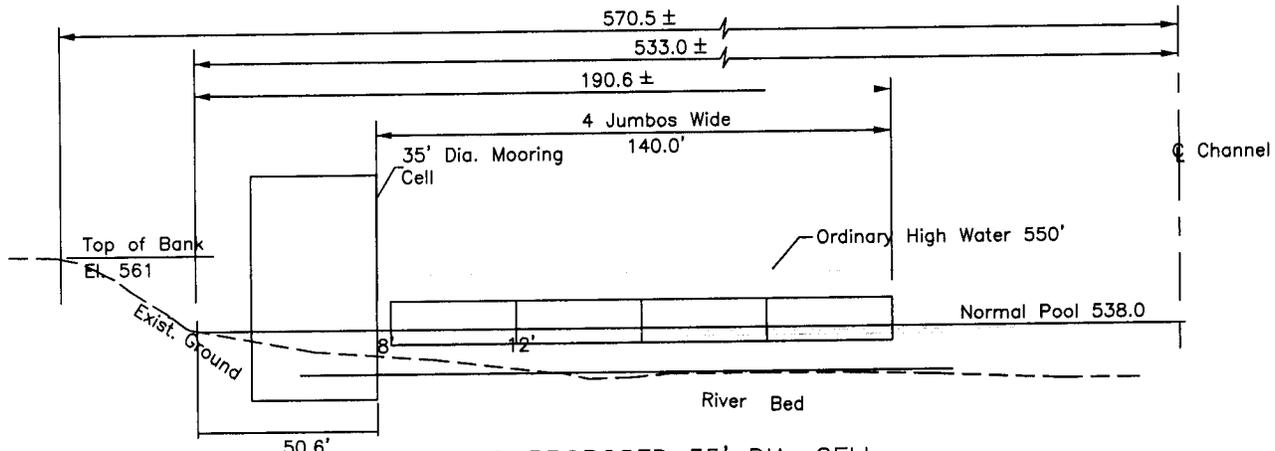
Purpose: Construct In-Channel Mooring Structures

Facility: Broad Run Dock, LLC
AEP Mountaineer Plant
Near the community of
New Haven, WV

2 of 6



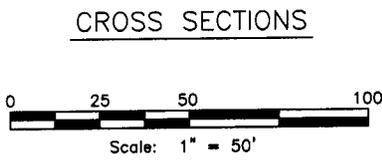
SECTION @ PROPOSED 20' DIA. CELL



SECTION @ PROPOSED 35' DIA. CELL

Purpose: Construct In-Channel Mooring Structures

Facility: Broad Run Dock, LLC
AEP Mountaineer Plant
Near the community of
New Haven, WV

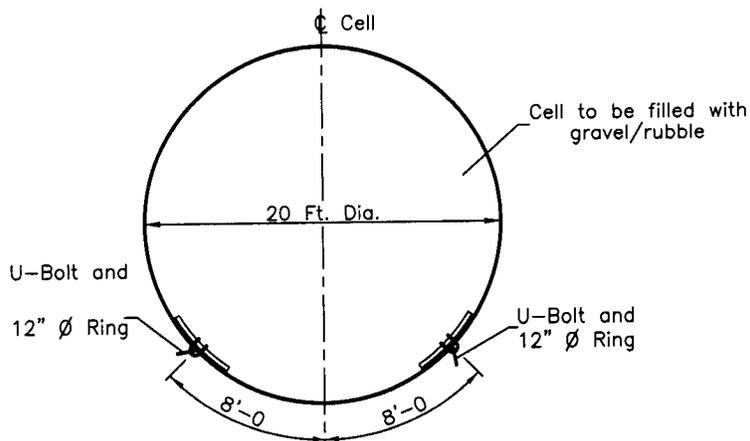


BROAD RUN DOCK, LLC

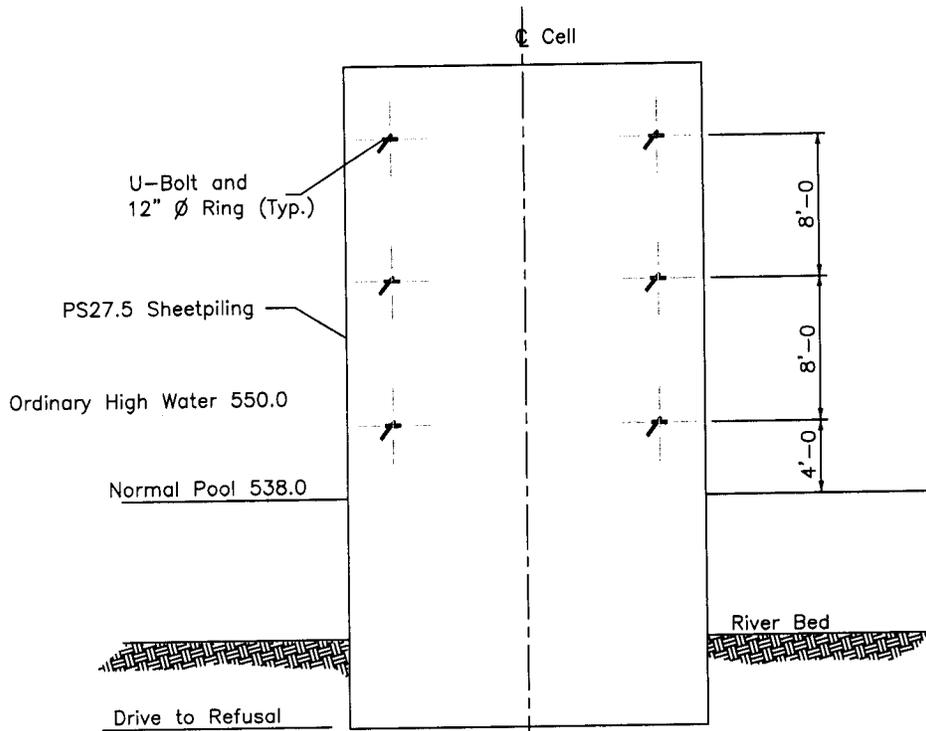
Proposed Extension of Existing
Barge Loadout Facility
In the Ohio River
Near Mile Mark 243.7

Updated: 07/2007 Sheet 4 of 6

3 of 4



TOP VIEW
20' DIA. MOORING CELL

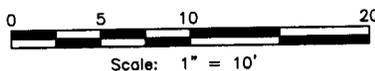


ELEVATION
20' DIA. MOORING CELL

Purpose: Construct In River Mooring Structures

Facility: Broad Run Dock, LLC
AEP Mountaineer Plant
Near the community of
New Haven, WV

MOORING DETAILS



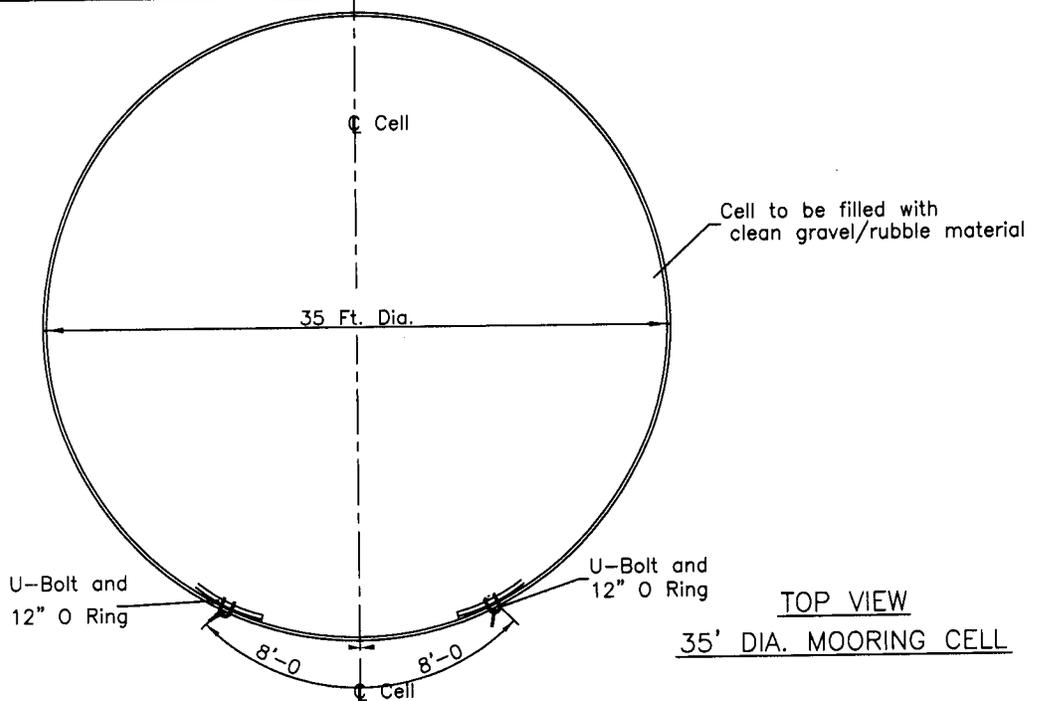
BROAD RUN DOCK, LLC

Proposed Extension of Existing
Barge Loadout Facility
In the Ohio River
Near Mile Mark 243.7

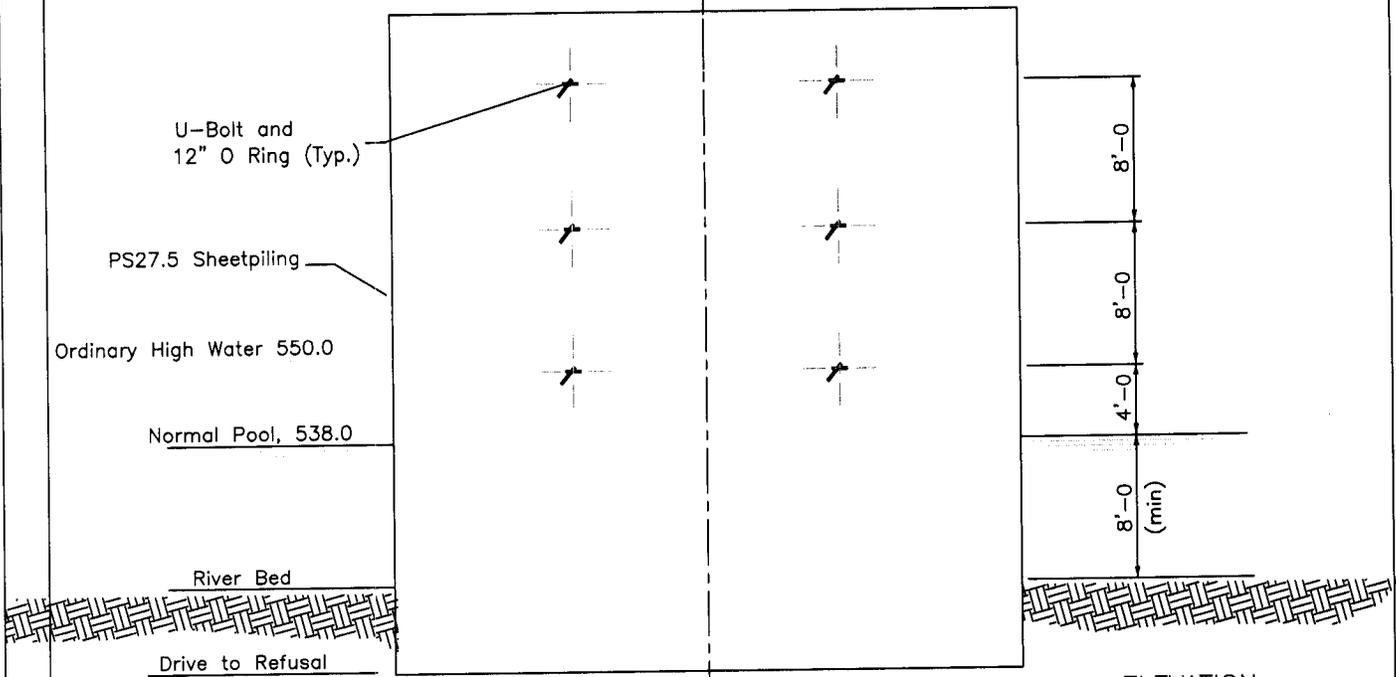
Date: 10-01-06

Sheet 5 of 6

4 of 6



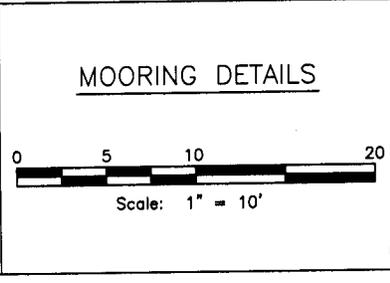
TOP VIEW
35' DIA. MOORING CELL



ELEVATION
35' DIA. MOORING CELL

Purpose: Construct In River Mooring Structures

Facility: Broad Run Dock, LLC
AEP Mountaineer Plant
Near the community of
New Haven, WV



BROAD RUN DOCK, LLC

Proposed Extension of Existing
Barge Loadout Facility
In the Ohio River
Near Mile Mark 243.7

Date: 10-01-06
Updated: 06-25-07

Sheet 6 of 6

5 of 6

