

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

Public Notice

In reply refer to Public Notice No.
000052388

Issuance Date: **MAY 7 2008**

Stream:

Closing Date: **JUN 5 2008**

Ginat Run

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: Scioto County Board of Commissioners
602 7th Street, Room 1
Portsmouth, Ohio 45662

LOCATION: The proposed project is located within Ginat Run approximately 0.1 miles upstream of its' confluence with the Ohio River in Franklin Furnace, Scioto County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant has submitted an application requesting a 10-year maintenance dredging permit for the Holiday Point Marina.

The proposed project area would be dredged to a maximum depth of 8 feet below normal pool elevation. The applicant proposes to dredge the area in two phases. The initial phase would include dredging of approximately 4.4 acres of Ginat Run between the marina and the Ohio River. The second phase would include dredging within the current marina area. All dredging would be performed with a clamshell dredge and would be conducted on an as-needed basis, but not more often than once annually. The applicant anticipated a maximum of 15,000 cubic yards of material would be removed during any single dredging event. If permitted, the proposed dredging operation would be approved for a period of 10 years. The purpose of the work is to provide adequate drafting depths between the Ohio River and the existing marina within Ginat Run.

The applicant has not identified a specific location for the disposal of the dredged material; however, the applicant has indicated all dredged material would be placed within an upland location. Plans of the proposal are attached to this notice.

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 dredging. The applicant has indicated dredged material would be disposed of within an upland area. The proposed dredge disposal area would be within the Corps permit area for historic and cultural resource review. Once the applicant has identified a disposal site, the Corps will determine the need for cultural resource investigations within the disposal area and will assess the effects of this undertaking on historic properties, if any. Once this determination is made, the Corps will perform any required coordination with consulting parties.

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); running buffalo clover (endangered); clubshell mussel (endangered); northern riffleshell mussel (endangered); pink mucket pearly mussel (endangered); Virginia spiraea (threatened); small whorled pogonia (threatened); rayed bean mussel (candidate); sheepsnose mussel (candidate); snuffbox mussel (species of concern) and the timber rattlesnake (species of concern).

Given the absence of suitable habitat within the proposed dredge area, this office has determined the dredging will have no effect on the Indiana bat, running buffalo clover, small whorled pogonia or the timber rattlesnake. Pink mucket pearly mussels and sheepsnose mussels have been identified within the Ohio River. The applicant has indicated a mussel assessment would be

conducted prior to any dredging to determine if the proposed project area contains suitable habitat for mussel species. This information will be used to determine if the proposed dredging will have any affect on the listed mussel species. The results of this assessment will be coordinated with the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources. Once the applicant has identified a dredge disposal location, this office will evaluate this area for potential impacts to listed species and will conduct any required consultation with the USFWS.

This public notice serves as a request to the U.S. Fish and Wildlife Service (USFWS) 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 proposed dredging activities, 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.

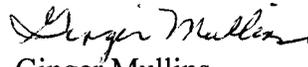
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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:

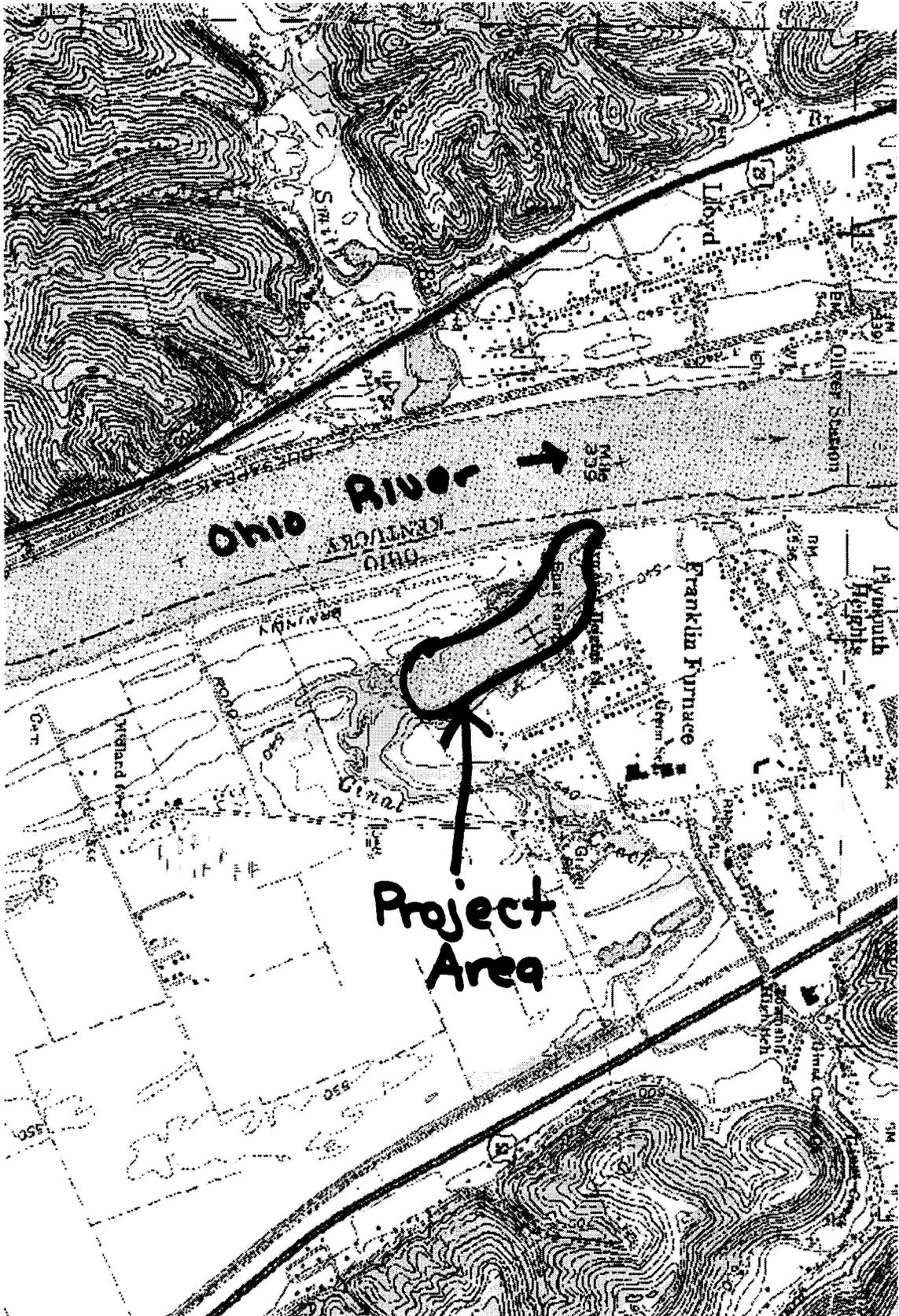
U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 000052388
502 8th Street
Huntington, West Virginia 25701-2070

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

(O)

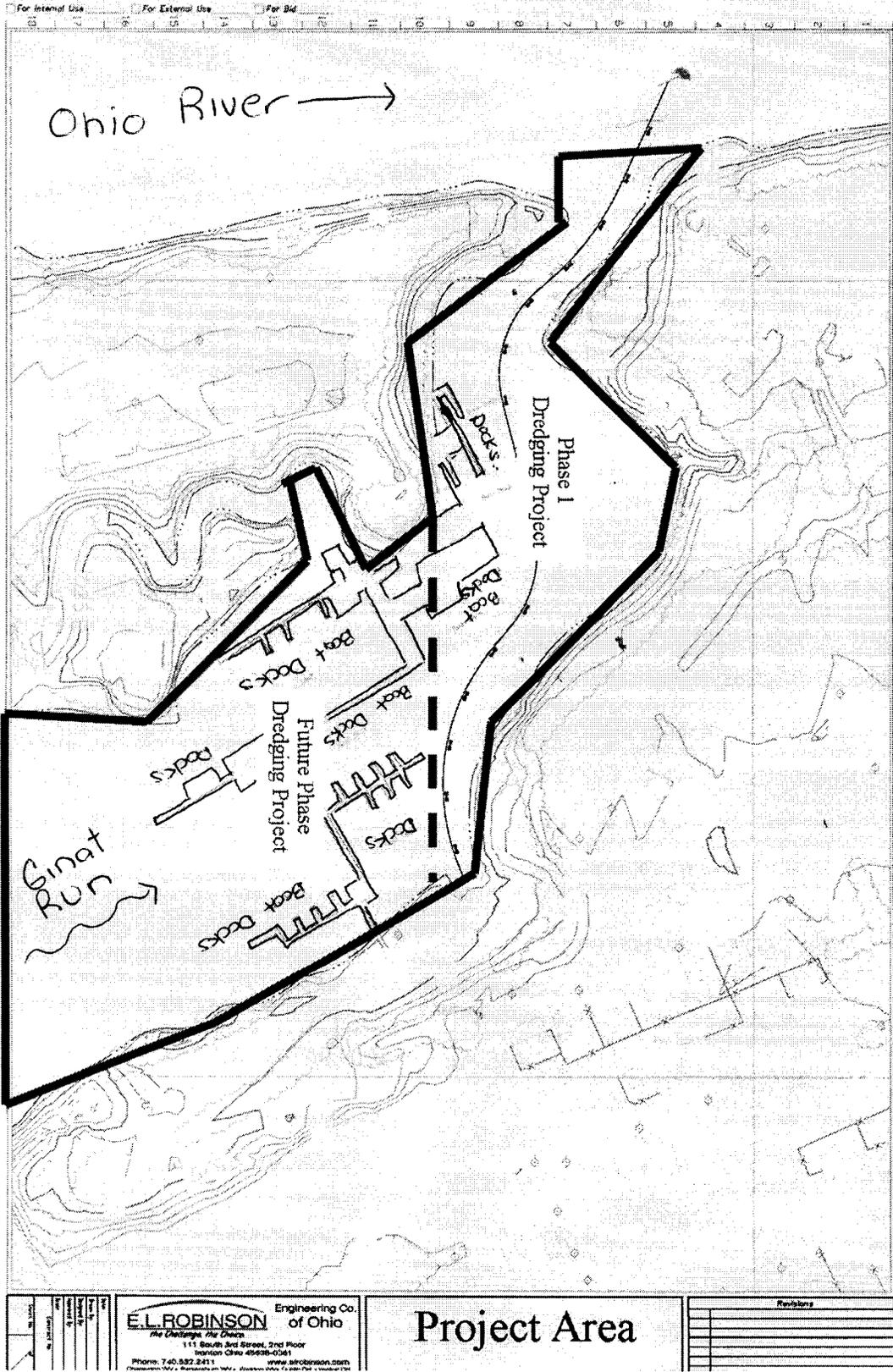
North



Greenup USGS Topo

Holiday Point Marina
000052388 – Ginat Run
Scioto County, Ohio
Location Map, Sheet 1 of 2

N →



E.L. ROBINSON Engineering Co.
of Ohio
The Challenge. The Choice.
111 South 3rd Street, 2nd Floor
Columbus, Ohio 43260-0261
Phone: 740.582.2411 www.elrobinson.com

Project Area

Revision

Holiday Point Marina
000052388 – Ginat Run
Scioto County, Ohio
Plan View, Sheet 2 of 2