



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

Public Notice

In reply refer to Public Notice No.

LRH-2008-665-KAN

Issuance Date:

August 8, 2008

Stream:

Kanawha River M.P. 74.75 LDB

Closing Date:

September 7, 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 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 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.

APPLICANTS: Kanawha Fleeting Service, LLC
8001 Carolina Avenue
Marmet, West Virginia 25315

LOCATION: The proposed project is located along the left descending bank of the Kanawha River, approximately 74.75 miles upstream of the mouth in Point Pleasant, Mason County, West Virginia (reference Drawing 1).

DESCRIPTION OF THE PROPOSED WORK: The applicant is requesting authorization to renovate an inactive industrial facility in order to construct a new barge mooring facility and office complex. The inactive facility included barge mooring and currently five wooden mooring structures exist within the area of the proposed new mooring facility. The proposed facility would involve barge fleeting as well as topside repair and cleaning including dry cleaning of aggregates and coal. The applicant plans to remove the wooden structures and install four quad-tie steel mooring structures. These new mooring structures would be constructed of 20 inch pipe with ½ plate gussets for support, backfilled with clean sand and gravel and driven into the riverbed approximately 18 feet or until refusal (reference Drawings 2 and 3). The quad-tie structures would extend approximately 25 feet above the normal pool elevation (590.0 feet m.s.l.). The proposed mooring facility would be located within 802 linear feet of the left descending bank. The barge mooring configuration would accommodate a maximum of 12 barges, which would involve three jumbo barges wide by four long. The maximum riverward extension from the normal pool shoreline would be approximately 134 feet at the upstream reach and 127 feet from the downstream reach of the project. A piling wall constructed of sheet piling driven to refusal, back filled with 166 cubic yards of clean limestone and extending approximately six feet in elevation above the normal pool shoreline would enable cleaning and topside repair of barges. The piling wall would be installed at the upstream reach of the facility and extend approximately 15 feet riverward by 50 linear feet (reference Drawings 4 and 5). For safety purposes of the fleet, the applicant proposes to remove the majority of the trees located along the shoreline. In addition, the entire 802 linear feet of shoreline would be stabilized by the placement of 20 to 30-inch diameter stone, which would involve a total placement of approximately 237 cubic yards of limestone. No initial or maintenance dredging is proposed as part of this project. Plan drawings of the proposal are attached to this notice.

ALTERNATIVE ANALYSIS: The barge mooring facility is considered to be a water dependent activity, which requires siting within waters of the United States to fulfill its basic purpose. Therefore, the applicant is not required to provide an alternative analysis.

MITIGATION PLAN: The applicant has provided a compensatory mitigation plan (CMP) to offset the unavoidable impacts to jurisdictional waters of the United States. The goal of the conceptual CMP is to offset adverse impacts to the aquatic resources resulting from the proposed fleeting facility project. The CMP proposes to stabilize severely eroding bank segments, install rock vanes and boulder clusters around the perimeter of Watson's Island, which is located approximately one mile upstream from the project site at Kanawha River mile point 75.8. The banks in need of stabilization would be graded (2H:1V slope). A small footer trench would be excavated and geotextile fabric would be laid with 10 to 12-inch diameter limestone placed atop the fabric. The bank stabilization would involve 339 linear feet along the island back-channel and 490 linear feet along the navigation channel (north) side. The CMP proposes the installation of three rock vanes (35'x5'x5') at the upstream head of the island. The rock vanes would be placed in a manner to diffuse flow along the perimeter of the island thereby reducing erosion while providing beneficial habitat for aquatic species. In addition, the CMP proposes the installation of three boulder clusters along the navigation channel or north side as additional aquatic habitat features. The boulder clusters would involve two to three-foot diameter boulders placed off the shoreline into an approximate depth ranging from three to six-feet.

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 West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there are currently no historic properties listed in the National Register in the area affected by the project. This public notice serves as coordination with the State Historic Preservation Office for their review regarding historic properties. Comments concerning archaeological sensitivity of a 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 species: Indiana bat (endangered), pink mucket pearly mussel (endangered), and the sheepsnose mussel (candidate). The Huntington District has consulted the most recently available information and based on a review of the proposed studies recommended by the United States Fish and Wildlife Service (USFWS) in Elkins, West Virginia, the project may have an affect on these species or designated Critical Habitat for these Federally-listed species. This public notice serves as a request to the 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 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. 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 substantiative 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.

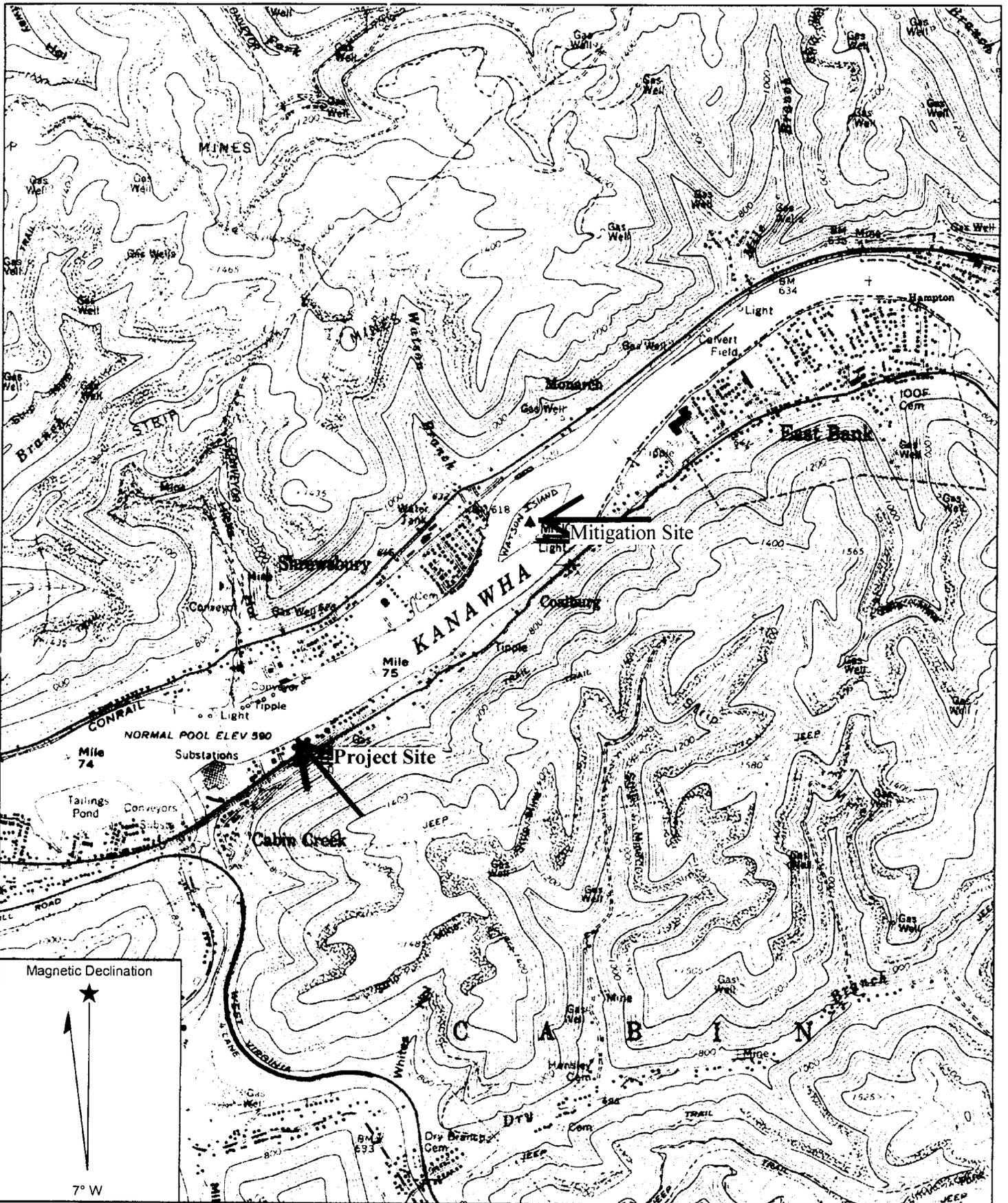
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for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

Mr. Michael Hatten, Project Manager
South Regulatory Permit Section - **LRH-OR-FS-2008-665-KAN**
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 call Mr. Michael Hatten at (304) 399-5610.


for Ginger Mullins
Regulatory Branch

(WV)



Name: CEDAR GROVE
 Date: 4/30/2008
 Scale: 1 inch equals 2000 feet

Location: 038.2064019° N 081.4620729° W NAD 83
 Caption: KANAWHA FLEETING SERVICE LLC

SITE AND MITIGATION

Public Notice No. LRH-2008-665-KAN
 Kanawha Fleeting Service, LLC
 Drawing 1 of 6

POTESTA

Potesta & Associates, Inc.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-8031
E-Mail Address: potesta@potesta.com

Project

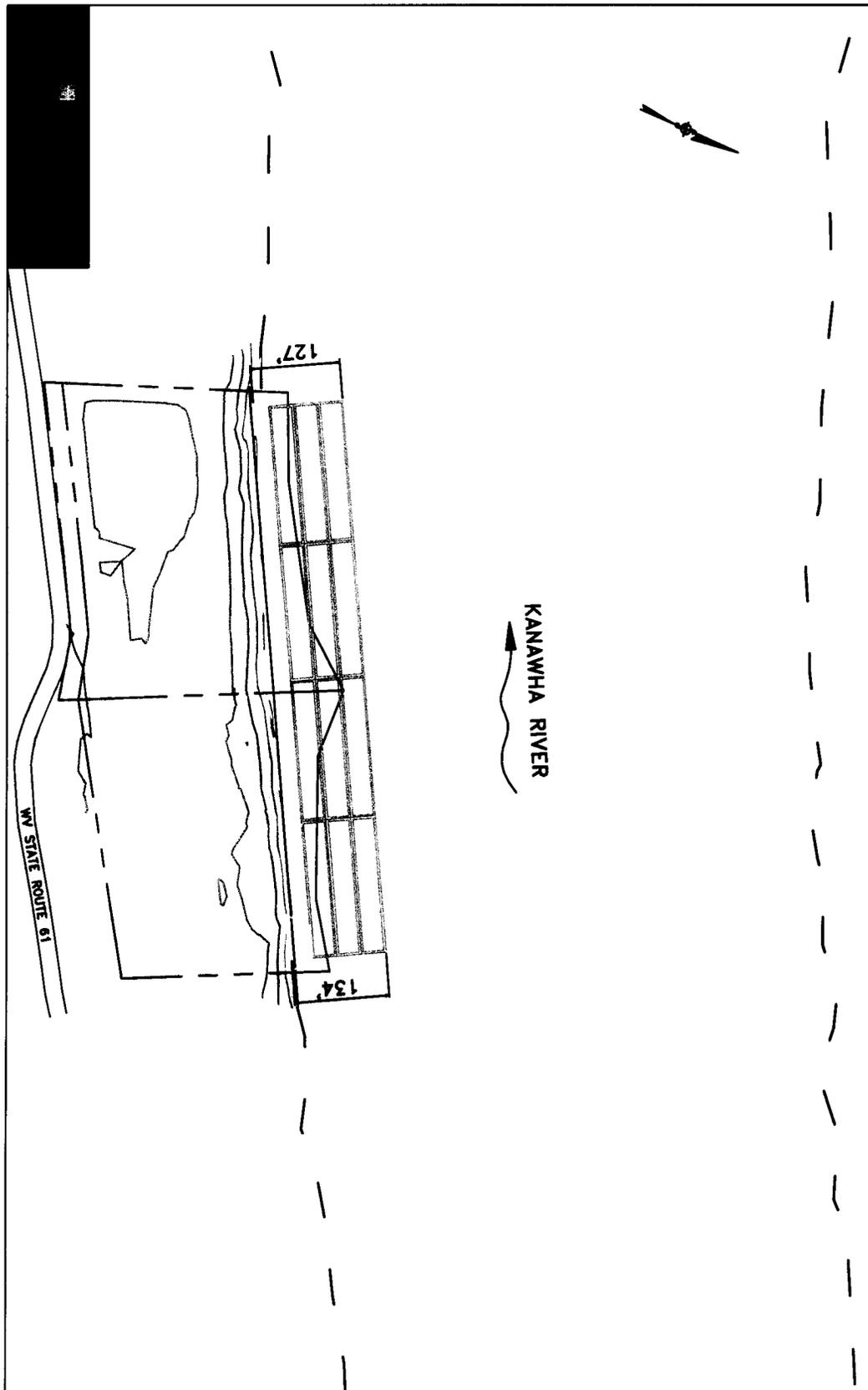
KANAWHA FLEETING SERVICE LLC
CHELYAN, WV STATE ROUTE 21
KANAWHA COUNTY, WV

Scale 1" = 200'

Dwg. No.

Date AUGUST 2008

FIGURE 1



XREF Files: IMAGE Files:
 File: S:\proj\07-0056-Kanawha Crane\dwg\07-0056-D1.dwg
 Plot Date/Time: May 01, 2008 ... 3:58pm
 Plotted By: REOsborne



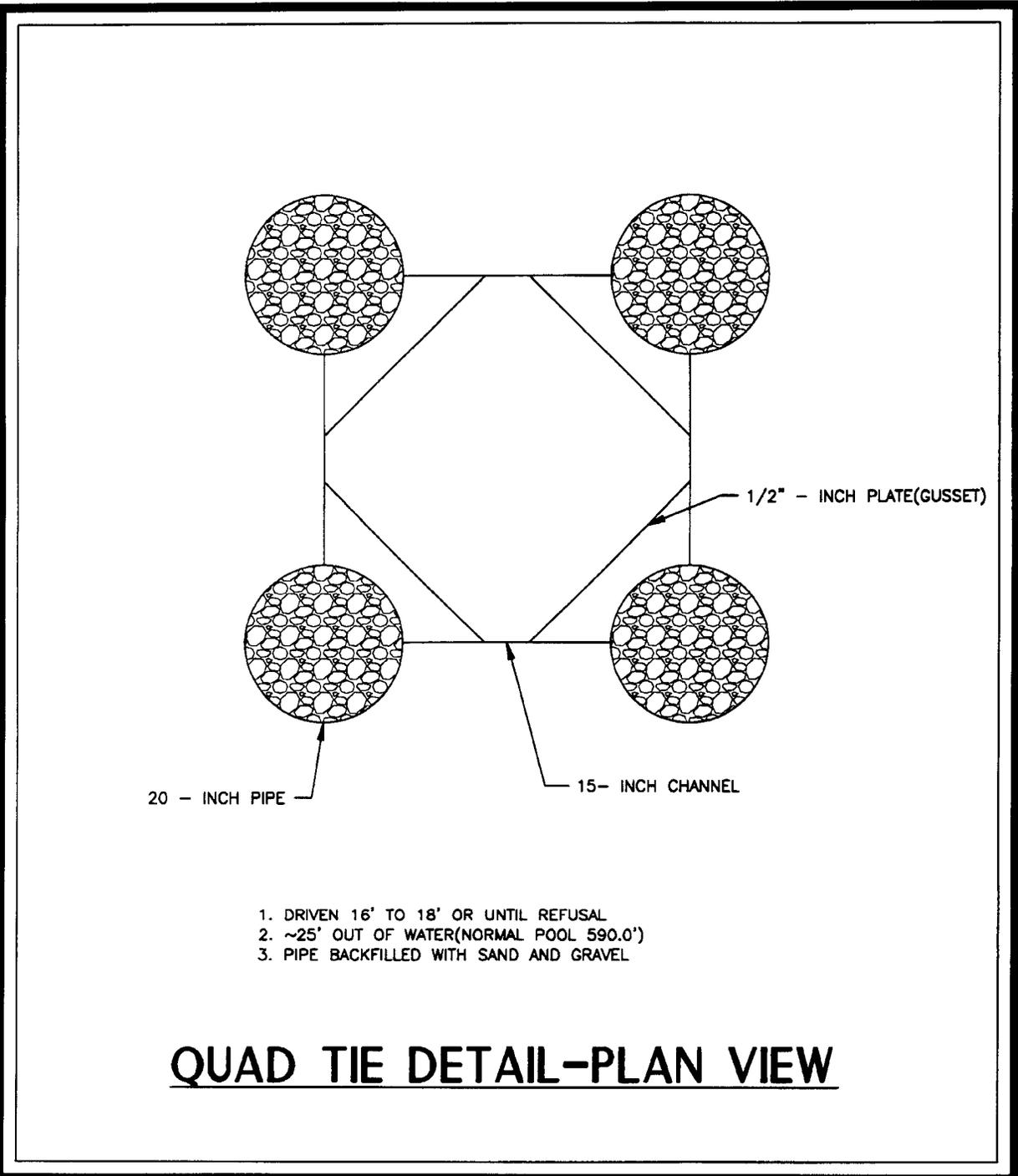
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7012 MacCorkle Ave. SE, Charleston, WV 25304
 TEL: (304) 342-1400 FAX: (304) 343-9031
 E-Mail Address: potesta@potesta.com

Project
KANAWHA FLEETING SERVICE LLC
CHELYAN, WV STATE ROUTE 21
KANAWHA COUNTY, WV

Scale **NO SCALE**
 Date **JULY 2007**

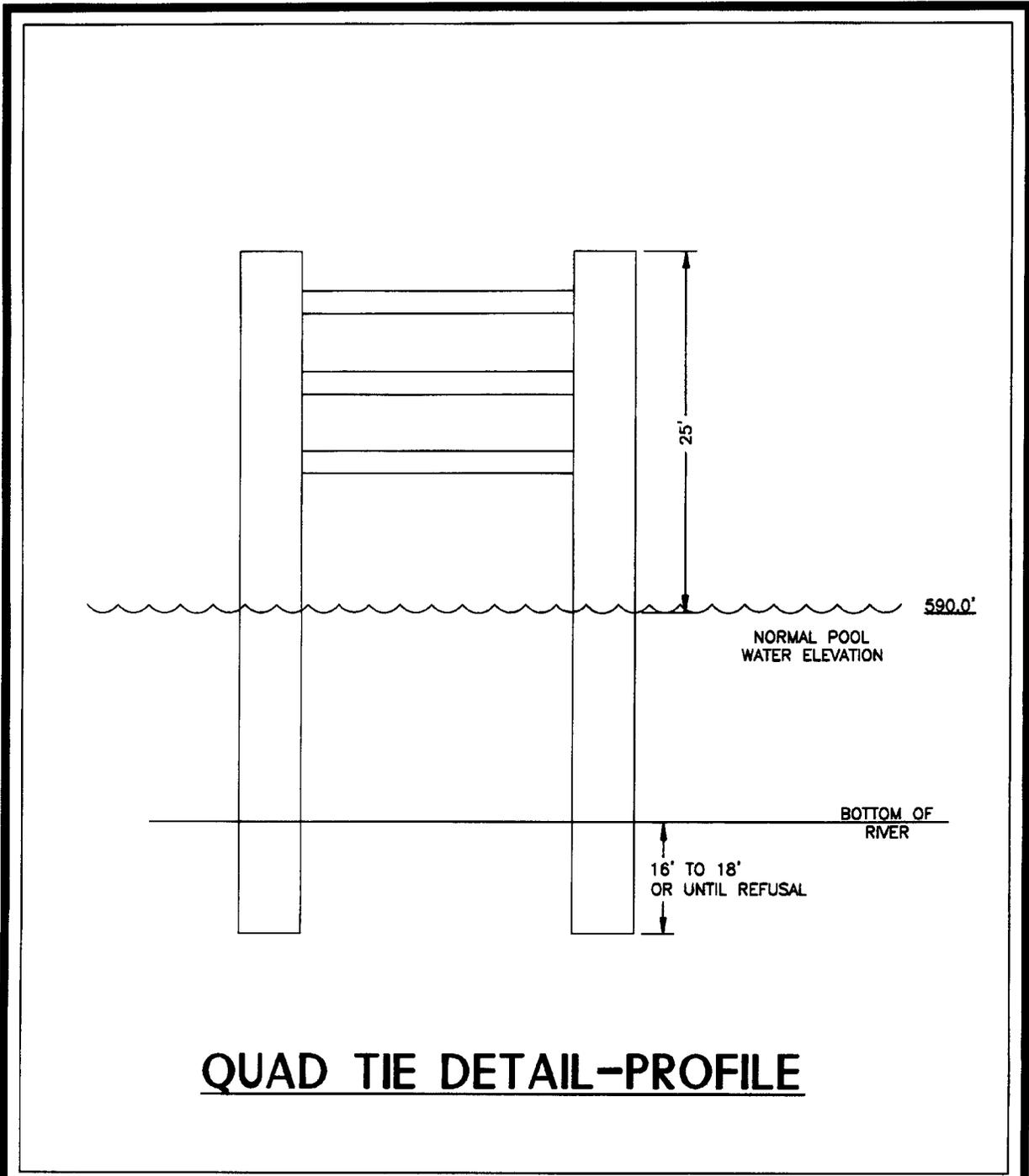
Dwg. No.
FIGURE 1



1. DRIVEN 16' TO 18' OR UNTIL REFUSAL
2. ~25' OUT OF WATER(NORMAL POOL 590.0')
3. PIPE BACKFILLED WITH SAND AND GRAVEL

QUAD TIE DETAIL-PLAN VIEW

Public Notice No. LRH-2008-665-KAN
 Kanawha Fleeting Service, LLC
 Drawing 3 of 6



QUAD TIE DETAIL-PROFILE

XREF Files: IMAGE Files:
 File: S:\proj\07-0056-Kanawha Crone\dwg\07-0056-01.dwg
 Plot Date/Time: May 01, 2008 - 3:58pm
 Plotted By: REOsborne



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KANAWHA FLEETING SERVICE LLC
CHELYAN, WV STATE ROUTE 21
KANAWHA COUNTY, WV

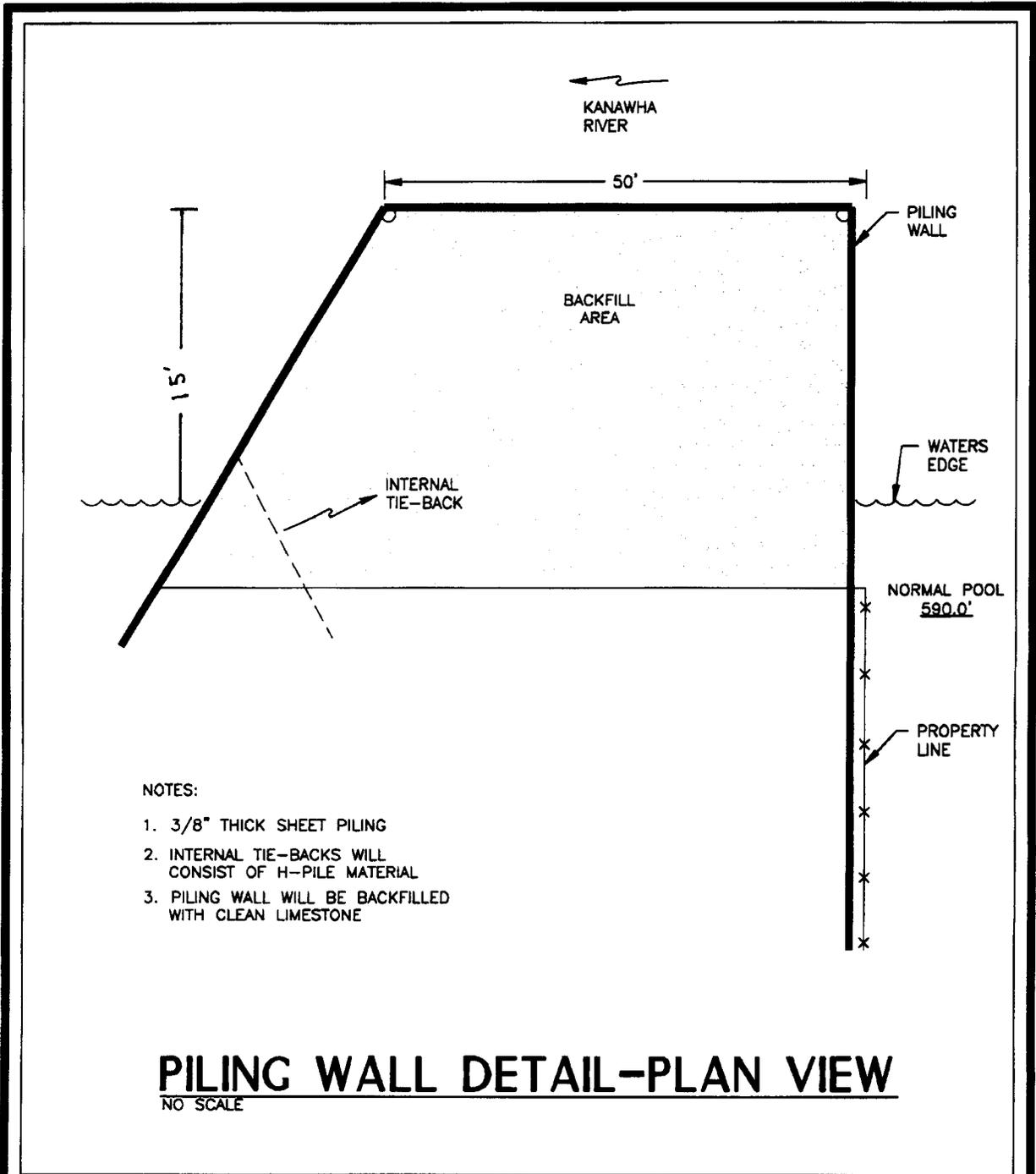
Scale **NO SCALE**

Dwg. No.

Date **JULY 2007**

FIGURE 2

Public Notice No. LRH-2008-665-KAN
 Kanawha Fleeting Service, LLC
 Drawing 4 of 6



NOTES:

1. 3/8" THICK SHEET PILING
2. INTERNAL TIE-BACKS WILL CONSIST OF H-PILE MATERIAL
3. PILING WALL WILL BE BACKFILLED WITH CLEAN LIMESTONE

PILING WALL DETAIL-PLAN VIEW
NO SCALE

XREF Files: IMAGE Files:
 File: S:\proj\07-0056-Kanawha Crane\dwg\07-0056-D1.dwg
 Plot Date/Time: May 01, 2008 - 3:56pm
 Plotted By: REOsborne

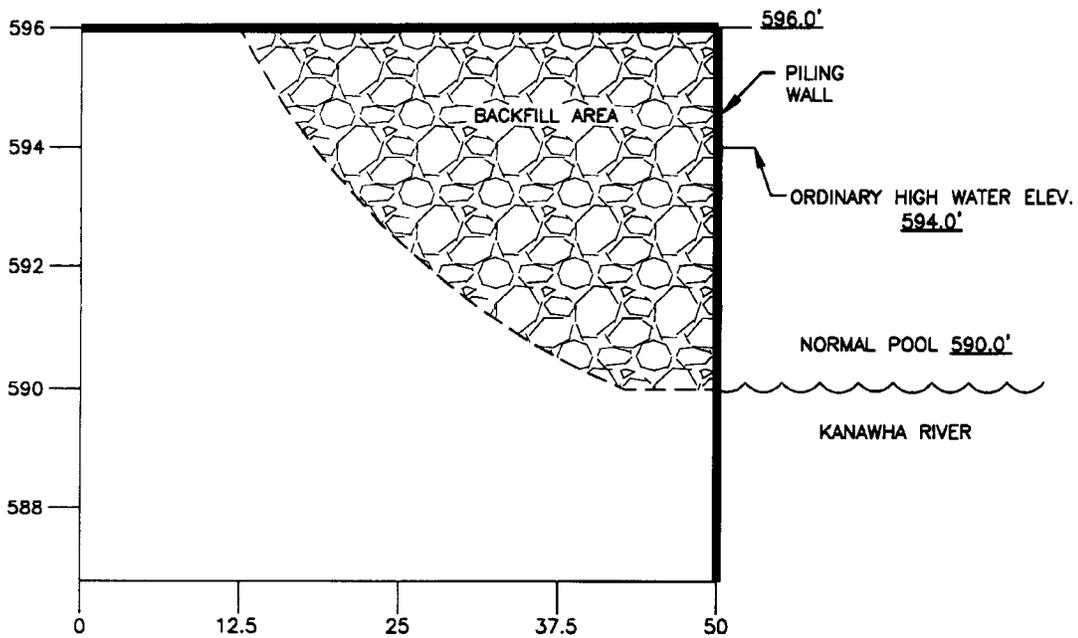
POTESTA Potesta & Associates, Inc.
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Project
KANAWHA FLEETING SERVICE LLC
CHELYAN, WV STATE ROUTE 21
KANAWHA COUNTY, WV

Scale **NO SCALE**
 Date **JULY 2007**

Dwg. No. **FIGURE 3**

Public Notice No. LRH-2008-665-KAN
 Kanawha Fleeting Service, LLC
 Drawing 5 of 6



PILING WALL DETAIL-CROSS SECTION

XREF Files: IMAGE Files:
 File: S:\proj\07-0056-Kanawha Crane\dwg\07_0056-D1.dwg
 Plot Date/Time: May 01, 2008 - 3:59pm
 Plotted By: RCOberne



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TEL: (304) 342-1400 FAX: (304) 343-9031

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Project

KANAWHA FLEETING SERVICE LLC
CHELYAN, WV STATE ROUTE 21
KANAWHA COUNTY, WV

Scale **NO SCALE**

Dwg. No.

Date **JULY 2007**

FIGURE 4

Public Notice No. LRH-2008-665-KAN
 Kanawha Fleeting Service, LLC
 Drawing 6 of 6