



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

Public Notice

In reply refer to Public Notice No.

LRH-0-58044-OHR

Stream: **Ohio River**

MP 308.9 to 309.09 LDB

Issuance Date:

SEP 08 2008

Closing Date:

OCT 08 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: Port Huntington Terminals
#10 West Third Avenue
Huntington, West Virginia 25701

LOCATION: The project site is located along the left descending bank of the Ohio River between river mile 308.90 and 309.09 (below Pittsburgh, Pennsylvania), in Huntington, Cabell County, West Virginia. **Exhibit 1** depicts the location of the proposed activities.

DESCRIPTION OF THE PROPOSED WORK: The proposed project involves the construction of a materials handling dock that would be used to load and/or unload jumbo barges, and other barges of varying dimensions. Commodities to be loaded and/or unloaded include: forest products, veneer, plywood; primary iron and steel products; primary non-ferrous and fabricated metal products; iron ore; iron steel waste and scrap; non-ferrous metallic ores, waste and scrap; primary manufactured goods; all manufactured equipment and machinery; sand, gravel, all stone and crushed rock; roadway treatment salts; slag; container barges and pallets. No barge maintenance or cleaning of barges has been proposed as part of this project.

The dock face would consist of steel piling, stabilized with embedded tie-backs, extending 100 feet upriver and downriver from the centerline, or 200 feet in overall face length parallel to the normal pool shoreline. An upriver wingwall, turned toward the bank at 45 degrees, will extend about 125 feet. A downriver wingwall, turned toward the bank at 45 degrees, will extend about 115 feet. Both wingwalls will consist of steel piling, stabilized with embedded tie-backs. Approximately 2,015 cubic yards of dredged and/or fill material would be placed below the Ordinary High Water (OHW) mark in conjunction with the construction of the dock.

In addition to the dock, mooring facilities would be constructed to safely handle up to 15 jumbo (35 feet x 195 feet typical size) barges during receiving and loadout operations. The mooring facilities would consist of 4 welded pipe unit stand-off structures and concrete mooring anchors. Each of the 4 welded pipe unit stand-off structures are to be constructed with their river faces in the same plane as the face of the steel piling dock and would consist of 4 nominal 16 inch minimum diameter steel pipes driven into the river bed on 10 feet centers and cross braced with steel channels. All 4 stand-off structures would be placed to accommodate safe mooring of barges. Six concrete mooring anchors are proposed to be used in conjunction with the stand-off structures. None of the concrete anchors would be placed below the OHW mark.

The proposed steel piling dock and 4 stand-off structures are designed to accommodate 15 jumbo barges, moored 3 wide and 5 long. The fleeting area proposed is 1,000 feet in length which would result in the upstream Ohio River Mile 308.90 and the downstream Ohio River Mile 309.09. At the upstream, the maximum riverward projection from the Normal Pool Shoreline would be 170 feet, with 398 feet of clearance to the edge of designated navigation channel. At the downstream end, the maximum riverward projection from the Normal Pool Shoreline would be 167 feet, with 393 feet of clearance to the edge of designated navigation channel. The proposed project is depicted in **Exhibits 3 – 6**.

The installation of the steel piling dock face, wingwalls and stand-off structures would be installed using a small work boat, a deck barge, a barge mounted crawler crane, a vibratory hammer and a jumbo hopper barge.

Approximately 2,698 cubic yards of material would be dredged initially at the frontal area of the dock and two adjacent stand-off structures. The same area would require periodic maintenance dredging; but the annual maintenance volume is not expected to be more than 15 to 20 percent of the initial dredging effort. The material to be dredged initially covers approximately 0.51 acre of river bottom below Greenup Locks & Dam Normal Pool Elevation 515.0 m.s.l. This material, primarily sand, gravel and sediment would be used in the construction of the dock, inside the steel piling. Any dredged material found unsuitable for use in the dock would be disposed of in an approved upland disposal area. **Exhibit 7** depicts the location of the proposed dredging.

MITIGATION PLAN: The applicant has provided a compensatory mitigation plan (CMP) to offset the unavoidable impacts to jurisdictional waters of the United States. The CMP proposes to remove two abandoned and sunken barges that do not belong to Port Huntington Terminals. The two sunken barges are within the proposed project boundaries. The plan involves removing the two sunken barges and excessive drift and debris lodged along the shoreline. Once the barges are removed the shoreline would be restored to its original configuration. **Exhibit 2** depicts the location of the sunken barges.

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 (NRHP) 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 WVDCH 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.

THREATENED & ENDANGERED SPECIES: The Huntington District has consulted the most recently available information, which indicates the project is located within the known or historic range of the following federally listed threatened and endangered species:

Indiana bat (*Myotis sodalis*)
Pink Mucket Pearly mussel (*Lampsilis abrupta*)

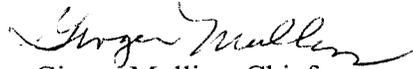
Based on the information it has been determined this project would have no effect on the Indiana bat, since no part of this proposal involves the removal of forested areas. The proposed project would involve impacts to the existing substrate, which may potentially provide suitable habitat for freshwater mussels. A mussel survey conducted upon the immediately adjacent downstream

property performed in June 2008 revealed no presence of any federally listed threatened or endangered species. Based upon the available information it has been determined the proposed project may affect, but is not likely to adversely affect the Pink Mucket Pearly mussel. This public notice serves as a request to the United States 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. 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 substantive 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.

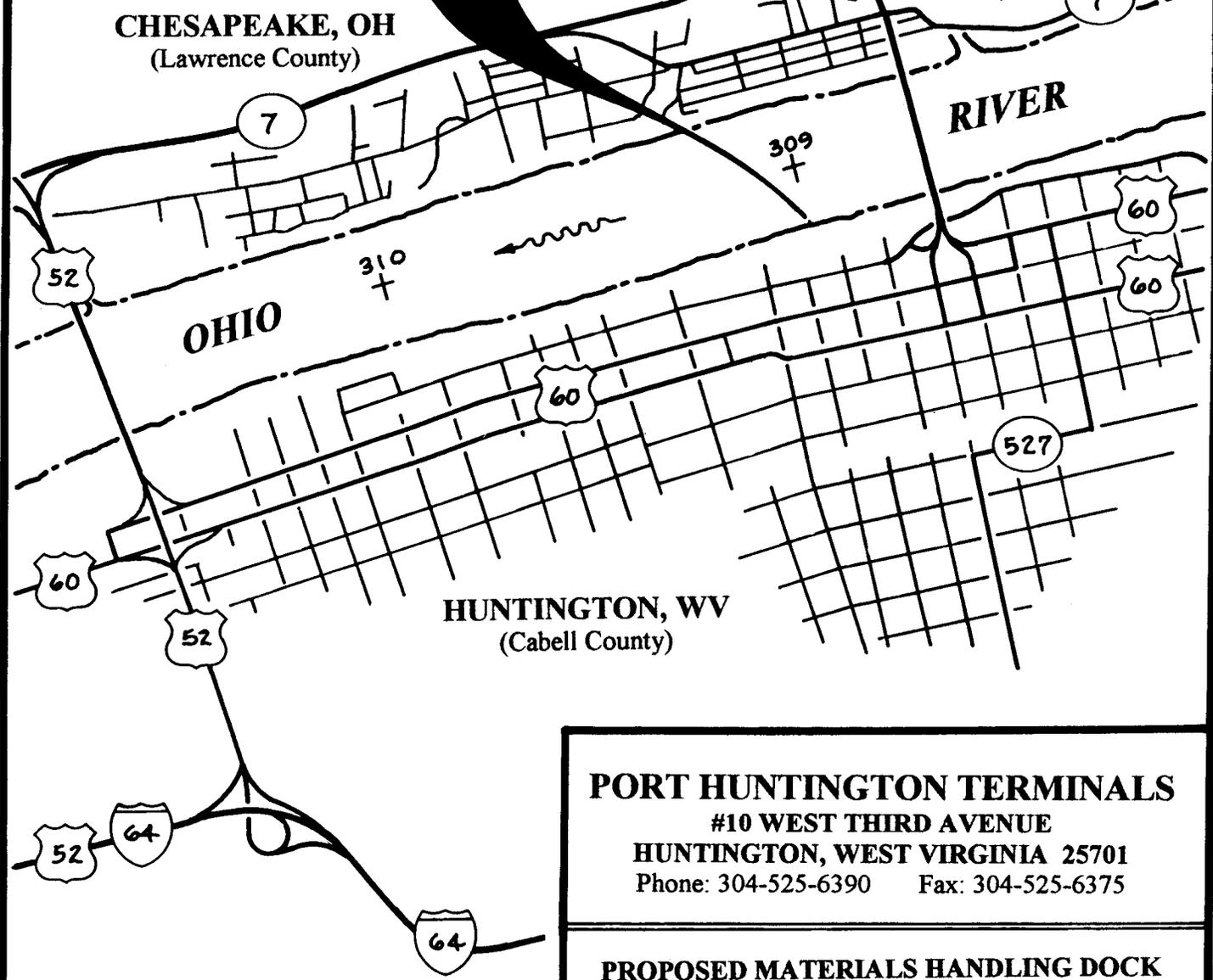
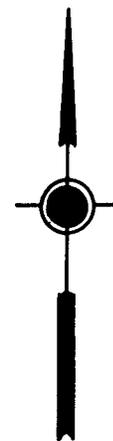
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative 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. Noah Kennedy, Project Manager, South Regulatory Section, CELRH-OR-FS, USACE 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 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 concerning the above, please contact Mr. Noah Kennedy of the South Regulatory Section at (304) 399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W, O)

**CENTERLINE COORDINATES OF
PROPOSED DOCK AT WATERS EDGE
ON THE LEFT DESCENDING BANK:
38 DEG. 25 MIN. 18.45 SEC. N
82 DEG. 27 MIN. 21.30 SEC. W
@ OHIO RIVER MILE 309.0**



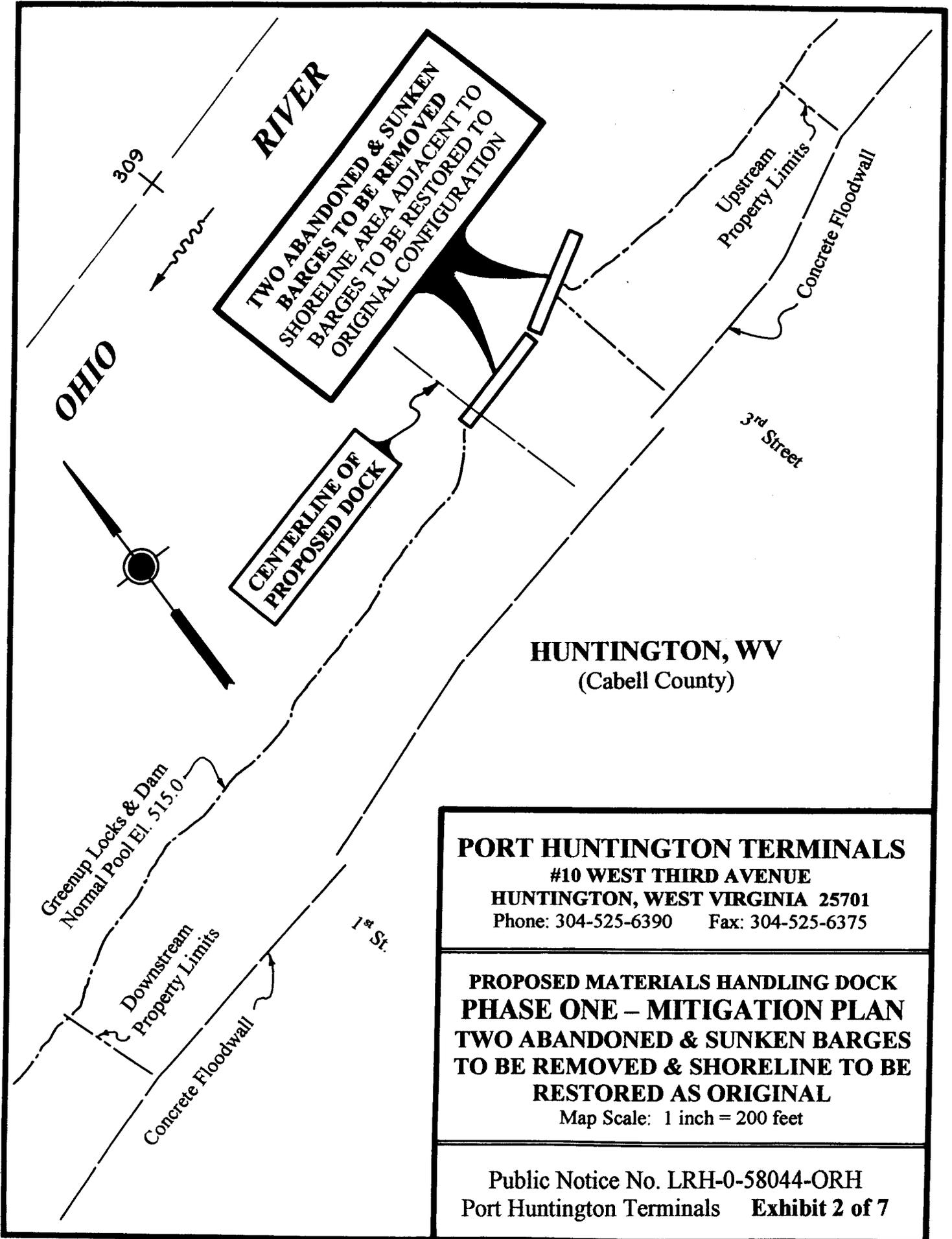
PORT HUNTINGTON TERMINALS

**#10 WEST THIRD AVENUE
HUNTINGTON, WEST VIRGINIA 25701
Phone: 304-525-6390 Fax: 304-525-6375**

**PROPOSED MATERIALS HANDLING DOCK
LOCATION & VICINITY MAP**

Map Scale: 1 inch = 2,000 feet

Public Notice No. LRH-0-58044-ORH
Port Huntington Terminals Exhibit 1 of 7



PORT HUNTINGTON TERMINALS

#10 WEST THIRD AVENUE

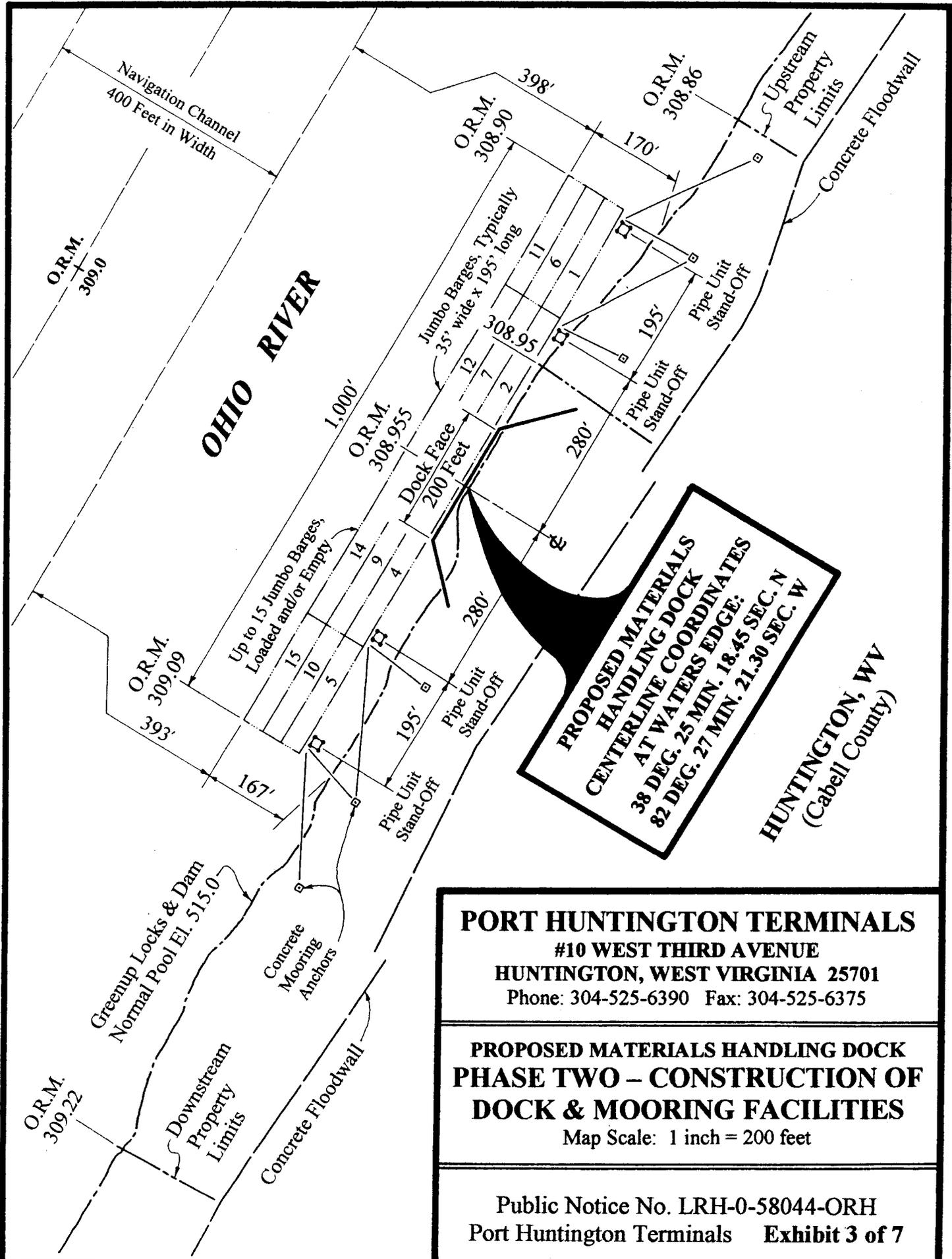
HUNTINGTON, WEST VIRGINIA 25701

Phone: 304-525-6390 Fax: 304-525-6375

**PROPOSED MATERIALS HANDLING DOCK
 PHASE ONE – MITIGATION PLAN
 TWO ABANDONED & SUNKEN BARGES
 TO BE REMOVED & SHORELINE TO BE
 RESTORED AS ORIGINAL**

Map Scale: 1 inch = 200 feet

Public Notice No. LRH-0-58044-ORH
 Port Huntington Terminals Exhibit 2 of 7



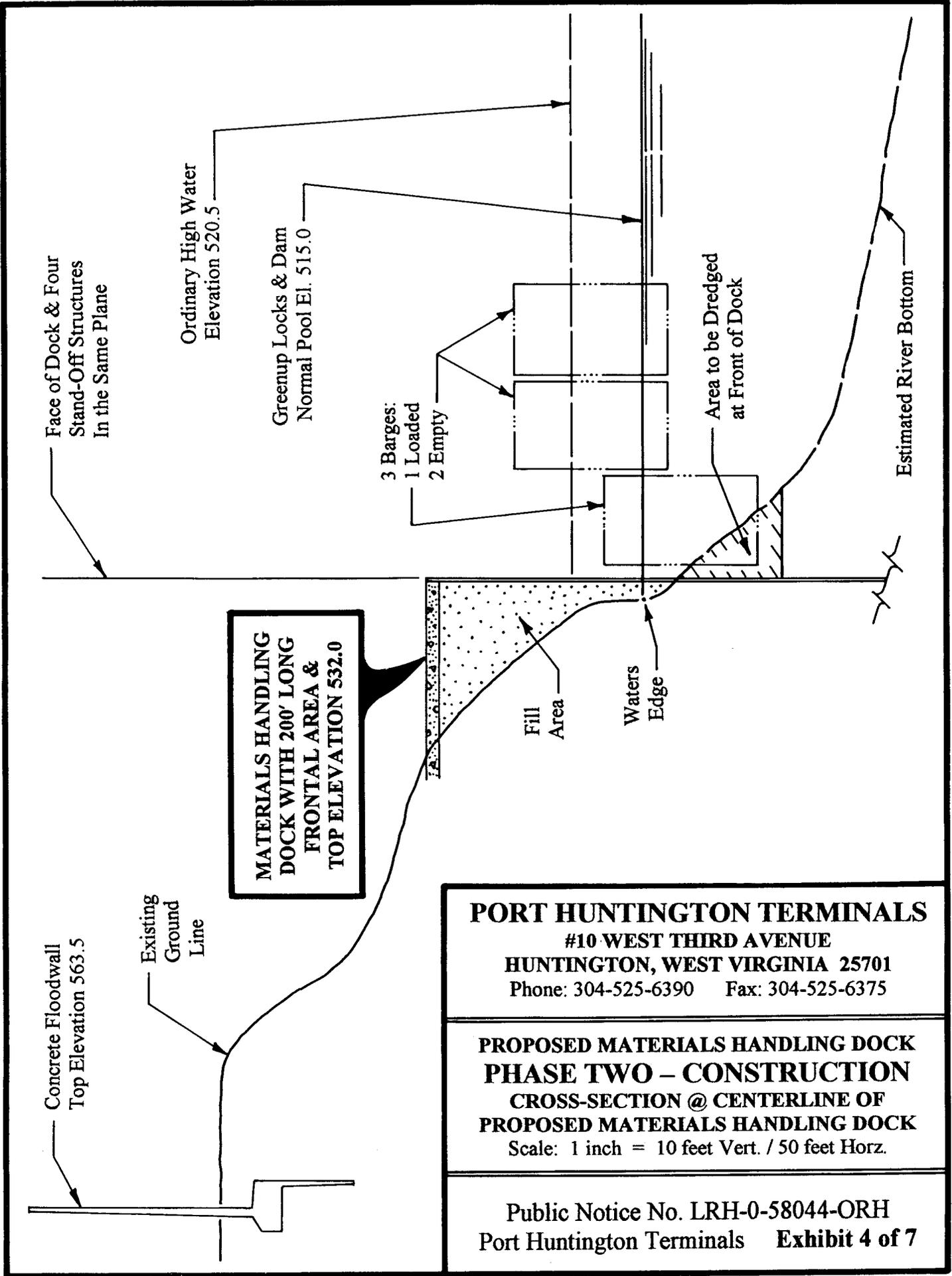
**PROPOSED MATERIALS
HANDLING DOCK
AT WATERS EDGE:
38 DEG. 25 MIN. 18.45 SEC. N
82 DEG. 27 MIN. 21.30 SEC. W**

**HUNTINGTON, WV
(Cabell County)**

PORT HUNTINGTON TERMINALS
 #10 WEST THIRD AVENUE
 HUNTINGTON, WEST VIRGINIA 25701
 Phone: 304-525-6390 Fax: 304-525-6375

**PROPOSED MATERIALS HANDLING DOCK
PHASE TWO – CONSTRUCTION OF
DOCK & MOORING FACILITIES**
 Map Scale: 1 inch = 200 feet

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 Port Huntington Terminals Exhibit 3 of 7



Face of Dock & Four Stand-Off Structures In the Same Plane

Ordinary High Water Elevation 520.5

Greenup Locks & Dam Normal Pool El. 515.0

3 Barges:
1 Loaded
2 Empty

Area to be Dredged at Front of Dock

Estimated River Bottom

MATERIALS HANDLING DOCK WITH 200' LONG FRONTAL AREA & TOP ELEVATION 532.0

Fill Area

Waters Edge

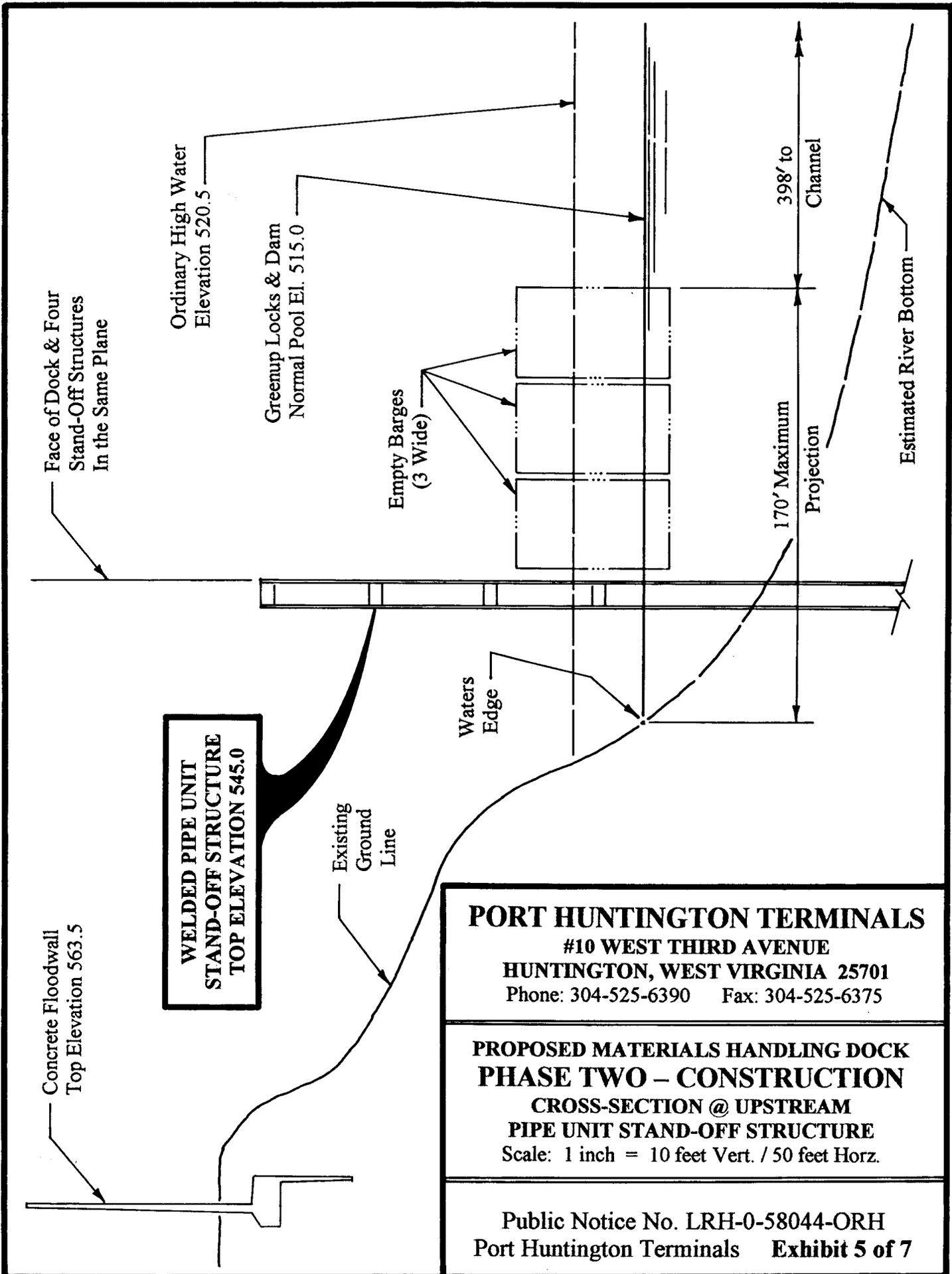
Concrete Floodwall Top Elevation 563.5

Existing Ground Line

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 HUNTINGTON, WEST VIRGINIA 25701
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**PROPOSED MATERIALS HANDLING DOCK
 PHASE TWO – CONSTRUCTION
 CROSS-SECTION @ CENTERLINE OF
 PROPOSED MATERIALS HANDLING DOCK**
 Scale: 1 inch = 10 feet Vert. / 50 feet Horz.

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 Port Huntington Terminals Exhibit 4 of 7



PORT HUNTINGTON TERMINALS

#10 WEST THIRD AVENUE

HUNTINGTON, WEST VIRGINIA 25701

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**PROPOSED MATERIALS HANDLING DOCK
PHASE TWO – CONSTRUCTION**

CROSS-SECTION @ UPSTREAM

PIPE UNIT STAND-OFF STRUCTURE

Scale: 1 inch = 10 feet Vert. / 50 feet Horz.

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Port Huntington Terminals Exhibit 5 of 7

Face of Dock & Four
Stand-Off Structures
In the Same Plane

**WELDED PIPE UNIT
STAND-OFF STRUCTURE
TOP ELEVATION 545.0**

Ordinary High Water
Elevation 520.5

Greenup Locks & Dam
Normal Pool El. 515.0

Loaded Barges
(3 Wide)

393' to
Channel

167' Maximum
Projection

Estimated River Bottom

Existing
Ground
Line

Waters
Edge

Concrete Floodwall
Top Elevation 563.5

PORT HUNTINGTON TERMINALS

#10 WEST THIRD AVENUE

HUNTINGTON, WSET VIRGINIA 25701

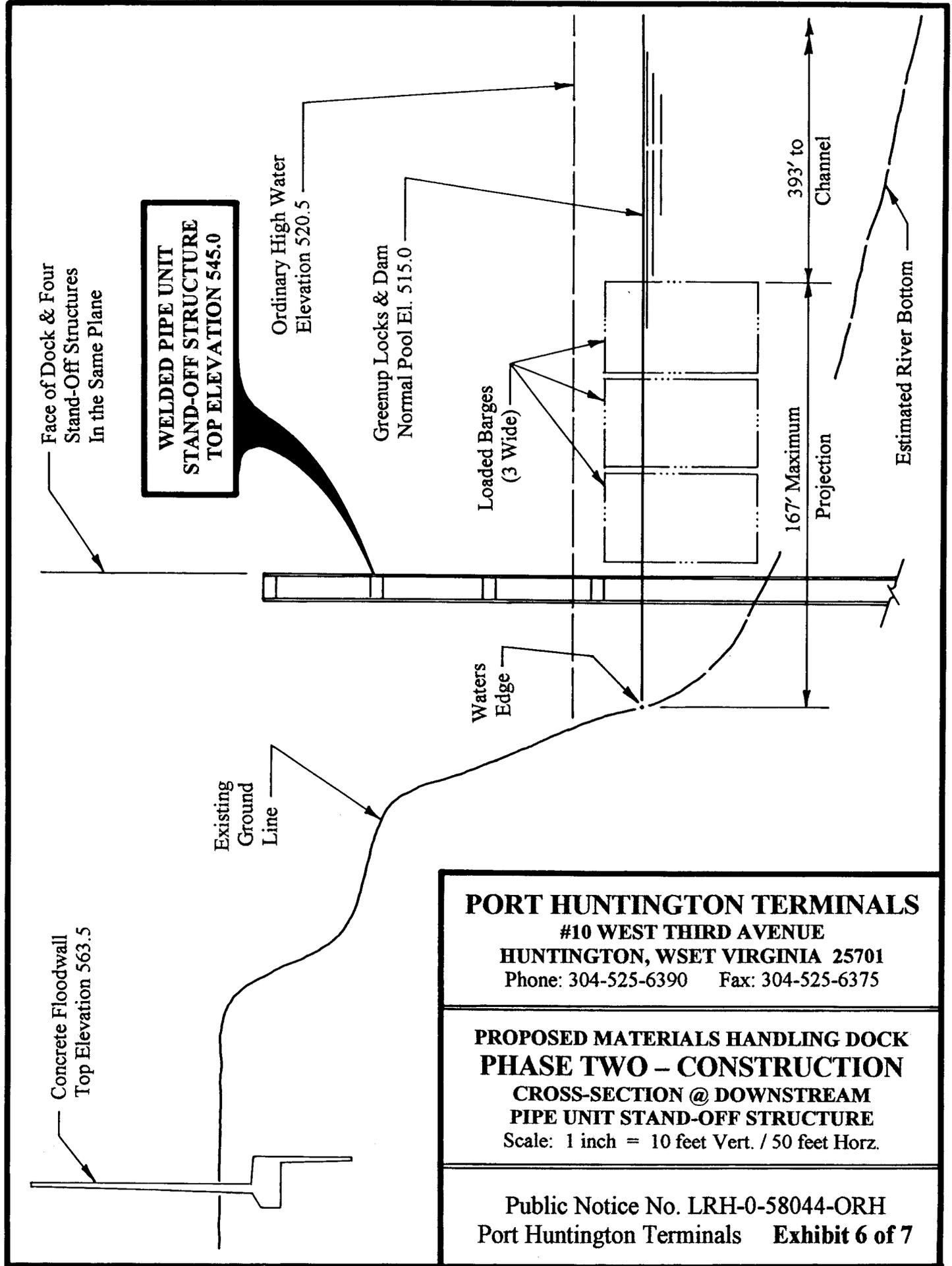
Phone: 304-525-6390 Fax: 304-525-6375

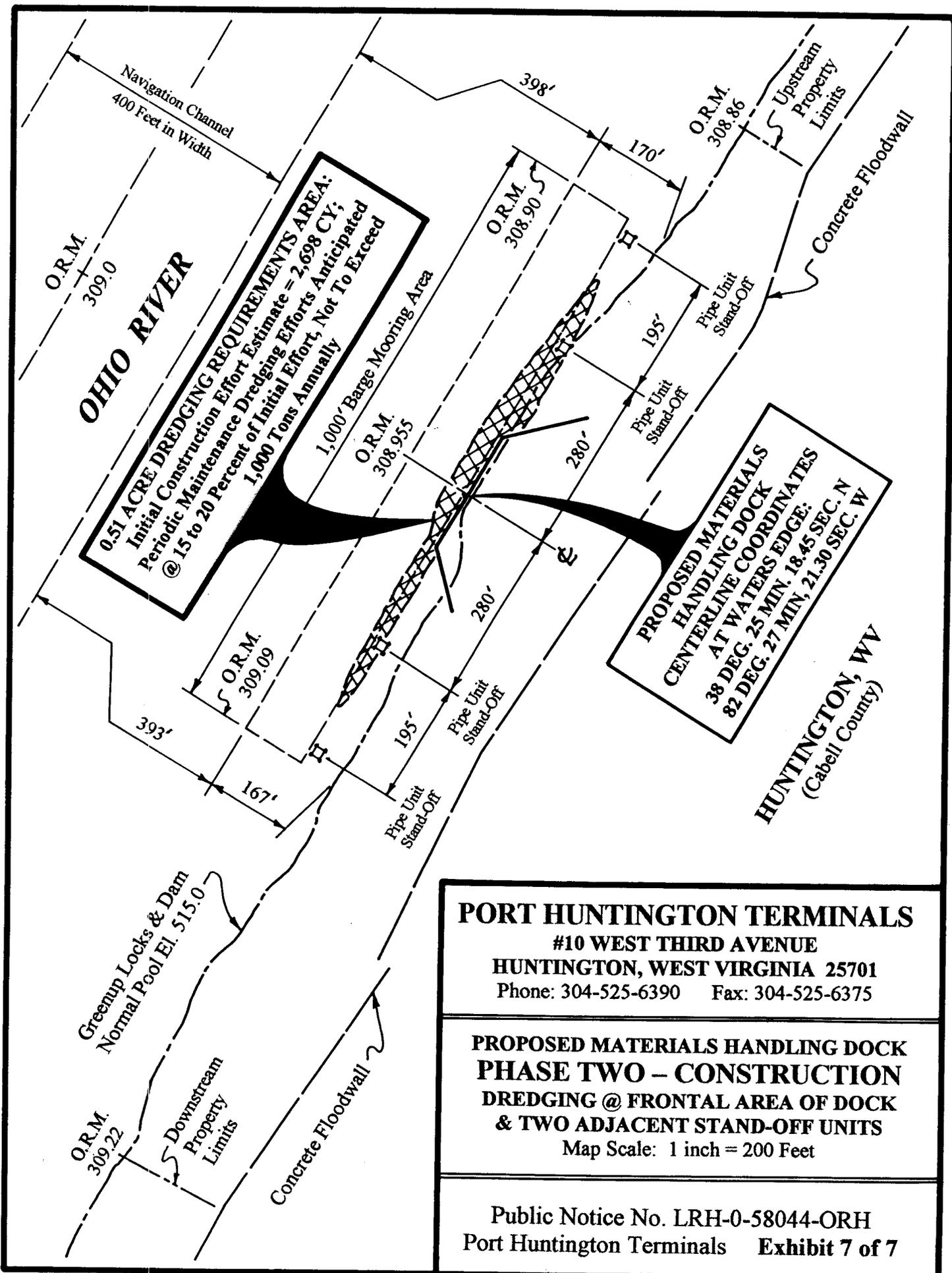
**PROPOSED MATERIALS HANDLING DOCK
PHASE TWO - CONSTRUCTION**

**CROSS-SECTION @ DOWNSTREAM
PIPE UNIT STAND-OFF STRUCTURE**

Scale: 1 inch = 10 feet Vert. / 50 feet Horz.

Public Notice No. LRH-0-58044-ORH
Port Huntington Terminals Exhibit 6 of 7





PORT HUNTINGTON TERMINALS
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**PROPOSED MATERIALS HANDLING DOCK
 PHASE TWO – CONSTRUCTION
 DREDGING @ FRONTAL AREA OF DOCK
 & TWO ADJACENT STAND-OFF UNITS**
 Map Scale: 1 inch = 200 Feet

Public Notice No. LRH-0-58044-ORH
 Port Huntington Terminals Exhibit 7 of 7