



Public Notice

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

In reply refer to Public Notice No.

2004-938

Issue Date: **SEP 09 2008**

Stream: Unnamed tributary of Piney Creek,
a tributary of the New River

Closing Date: **OCT 09 2008**

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-FS Public Notice No. 2004-938 NEW

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 (DA) Permit under the provisions of Section 404 of the Clean Water Act.

APPLICANT: Raleigh County Memorial Airport Authority
176 Airport Circle, Room 115
Beaver, West Virginia 25813-9475

LOCATION: The proposed project would be located approximately 2 miles east of Beckley, in Raleigh County, West Virginia (latitude 37° 47' 13"; longitude -81° 07' 45"), in the area indicated on Drawing 1.

PROJECT HISTORY: In March, 2005, under DA Permit #200400938, the applicant was authorized to discharge dredged and or fill material into waters of the United States associated with the construction of an access road and building pads for the Raleigh County Memorial Airport Industrial Park. Authorized impacts included the discharge of 36,341 cubic yards of dredged and/or fill material into 1.06 acre of wetlands and 2,158 linear feet of streams. The applicant was authorized to mitigate for impacts through the establishment of on-site conservation easements and off-site stream restoration and enhancement.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to connect an existing previously authorized road at the industrial park with County Road 9/9. The proposed project would result in three crossings through waters of the U.S. Activity 1 would result in the impact to 0.26 acre of palustrine emergent wetland. Activity 2 would impact 73 feet of perennial stream and result in the discharge of 33 cubic yards of fill. Activity 3 would impact 57 feet of perennial stream and result in the discharge of 22 cubic yards of fill. Details regarding the proposed project are provided in the attached Drawings 1-9. The applicant has requested a six-year life of permit if authorized.

To mitigate for proposed impacts to 0.26 acre of wetland the applicant is proposing to increase the area of the wetland by 0.30 acre. This wetland is protected under a conservation easement.

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.

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*)

Virginia big-eared bat (*Corynorhinus townsendii virginianus*)

Based on the information provided it has been determined that the project may effect, not likely to adversely affect, the Indiana bat or Virginia big-eared bat. The proposed project would not be located in an area associated with Indiana bat or Virginia big-eared bat hibernaculum, maternity colonies or critical habitat.

On December 16, 2004, the United States Fish and Wildlife Service (USFWS) provided concurrence the previously authorized work would result in a finding of not likely to adversely effect.

This public notice serves as a request to the USFWS for new 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).

WATER QUALITY CERTIFICATION: Pursuant to Section 401 of the Clean Water Act, Individual Water Quality Certification is required for the proposed project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

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:

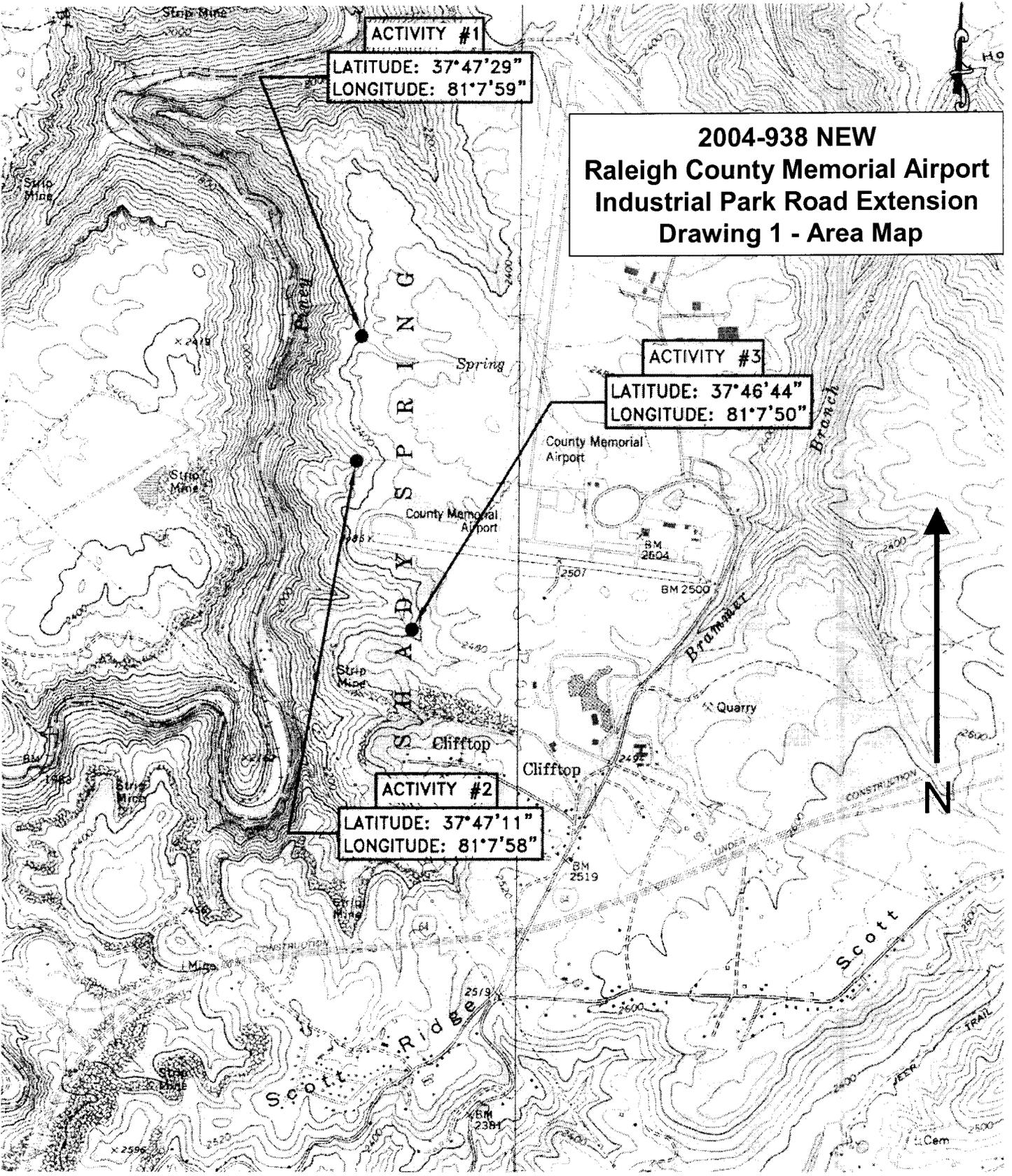
U.S. Army Corps of Engineers, Huntington District
Attn. CELRH-OR-FS, Public Notice LRH-2004-938
502 Eighth Street
Huntington, West Virginia 25701-2070

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

(W)



2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 1 - Area Map

ACTIVITY #1
LATITUDE: 37°47'29"
LONGITUDE: 81°7'59"

ACTIVITY #3
LATITUDE: 37°46'44"
LONGITUDE: 81°7'50"

ACTIVITY #2
LATITUDE: 37°47'11"
LONGITUDE: 81°7'58"



BECKLEY, W. VA.
 SW/4 BECKLEY 15' QUADRANGLE
 37081-G2-TF-024

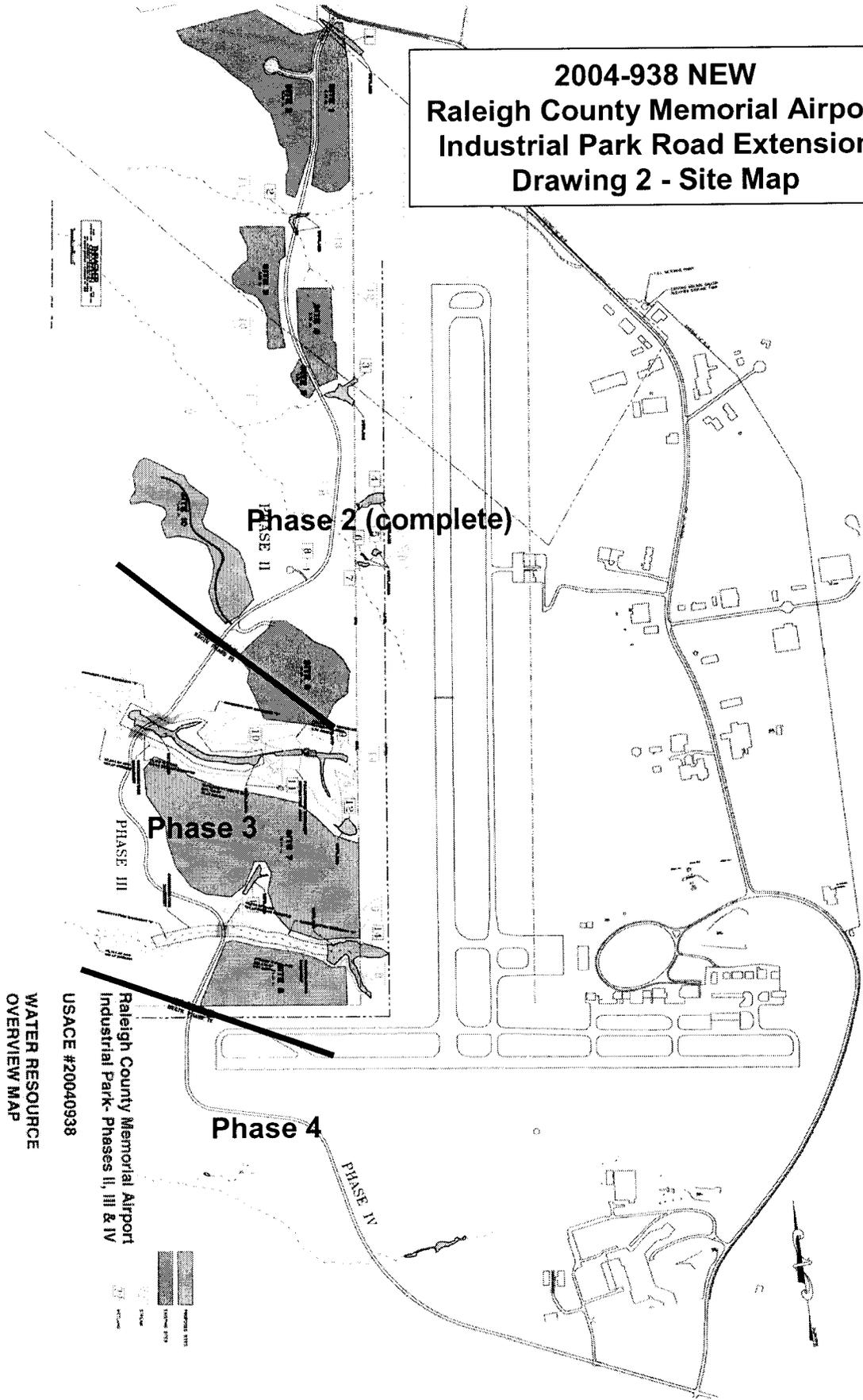
PRINCE, W. VA.
 SE/4 BECKLEY 15' QUADRANGLE
 37081-G1-TF-024

1969
 PHOTOREVISED 1989
 DMA 4759 I SW-SERIES V854

1969
 PHOTOREVISED 1989
 DMA 4759 I SE-SERIES V854

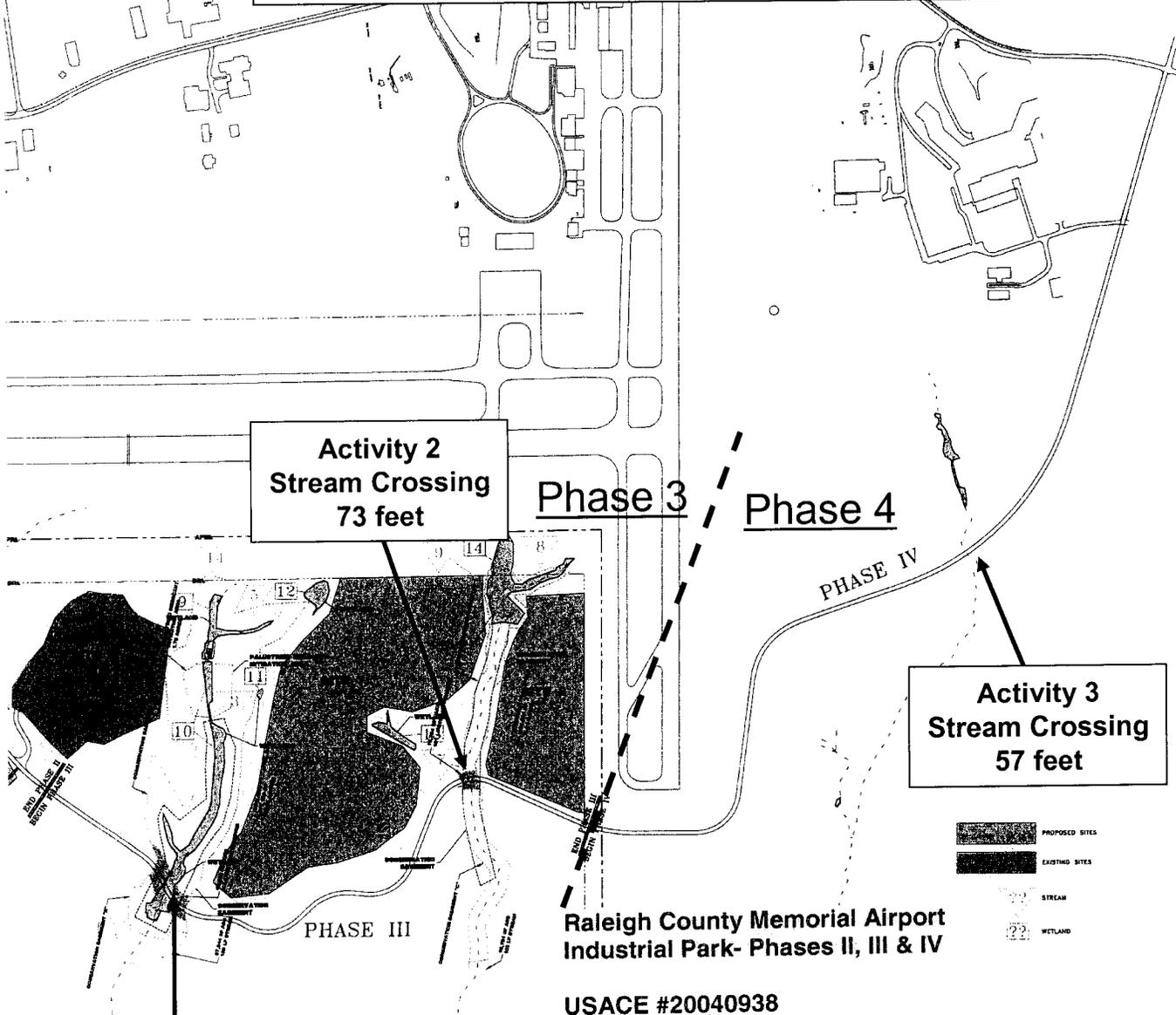


**2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 2 - Site Map**



USACE #20040938
Raleigh County Memorial Airport
Industrial Park- Phases II, III & IV
WATER RESOURCE
OVERVIEW MAP

2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 3 – Proposed Impacts (Phases 3 & 4)



Activity 1
Wetland Fill
0.26 acre

Activity 2
Stream Crossing
73 feet

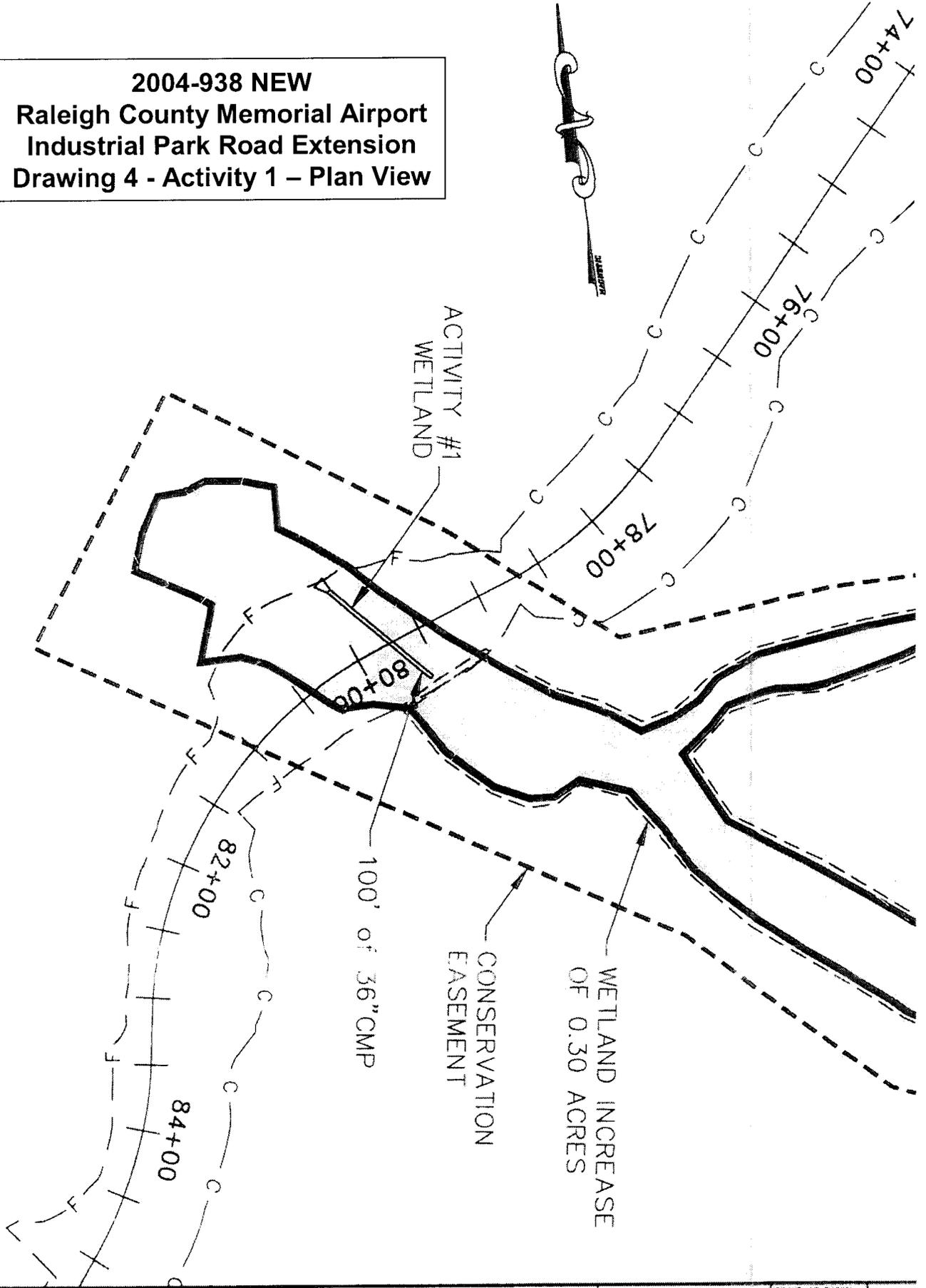
Activity 3
Stream Crossing
57 feet

Raleigh County Memorial Airport
Industrial Park- Phases II, III & IV

USACE #20040938

WATER RESOURCE
OVERVIEW MAP

2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 4 - Activity 1 - Plan View

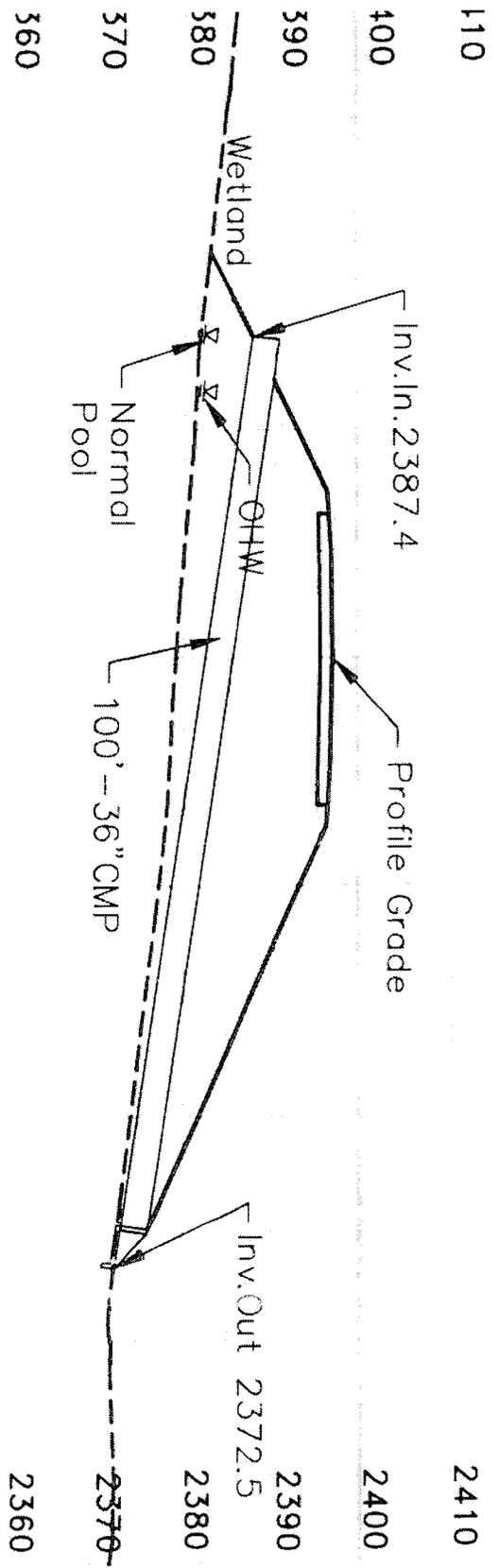


SHEET No. 4
RALEIGH COUNTY MEMORIAL AIRPORT
INDUSTRIAL PARK
ROADWAY EXTENSION
ACTIVITY #1 PLAN SHEET

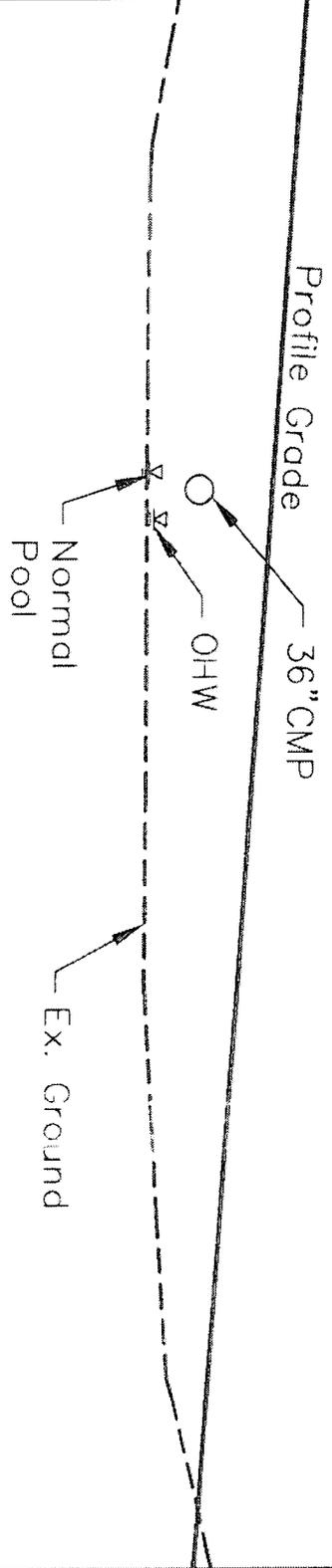
THRASHER
ENGINEERS
 CIVIL, ENVIRONMENTAL AND CONSULTING
 30 COLUMBIA BOULEVARD - CLARKSBURG, WV 26301
 PHONE (304) 824-4108 (FAX) (304) 824-7831

SURVEY DATE:	SCALE: AS SHOWN
SURVEY BY:	DRAWN: JG DATE: 2/6
FIELD BOOK No.:	CHECKED: DATE:
FILE No.:	APPROVED: DATE:
30-1442	LAYOUT TAB: 404-plan

2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 5 - Activity 1 - Section View



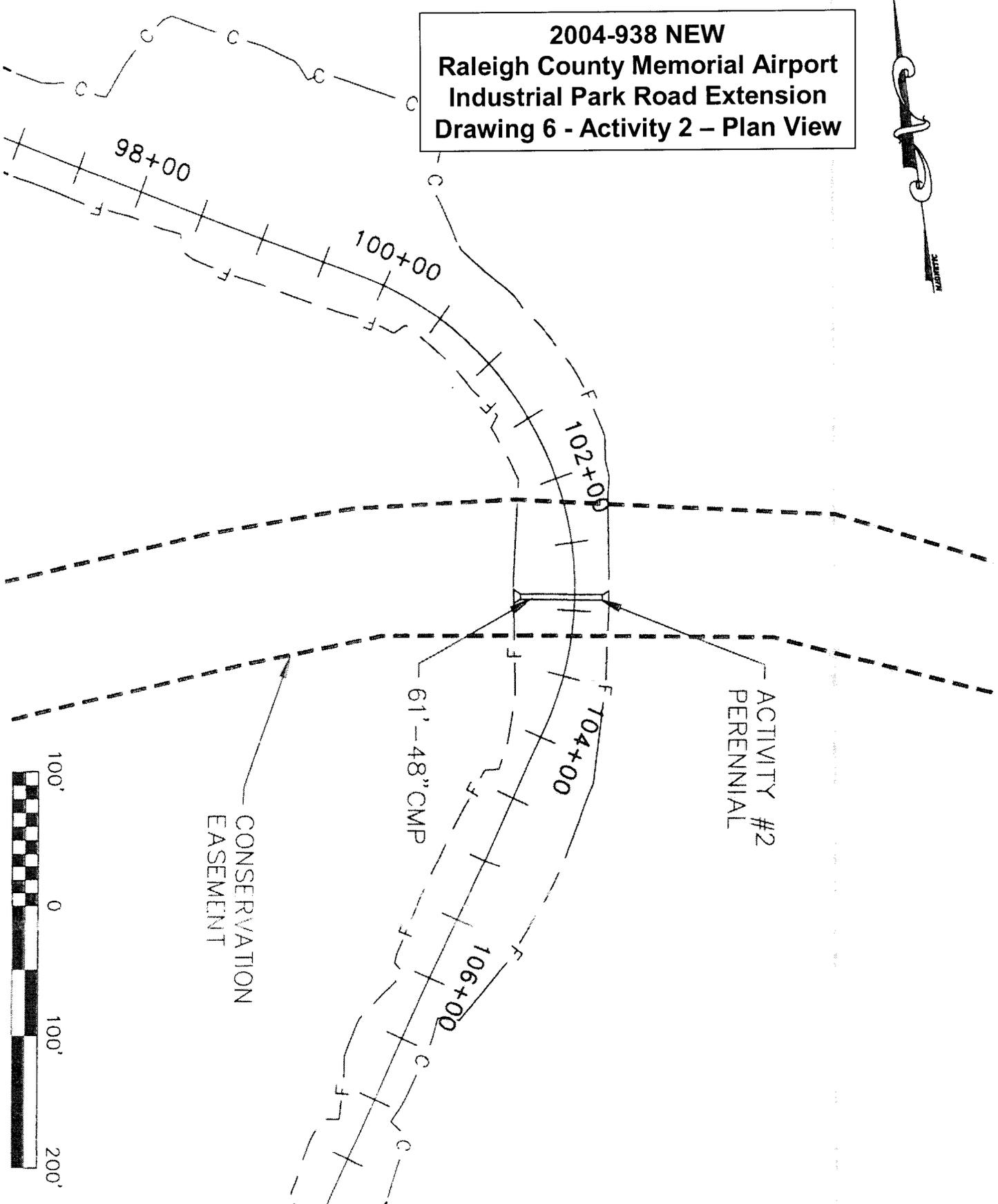
PROFILE
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SECTION
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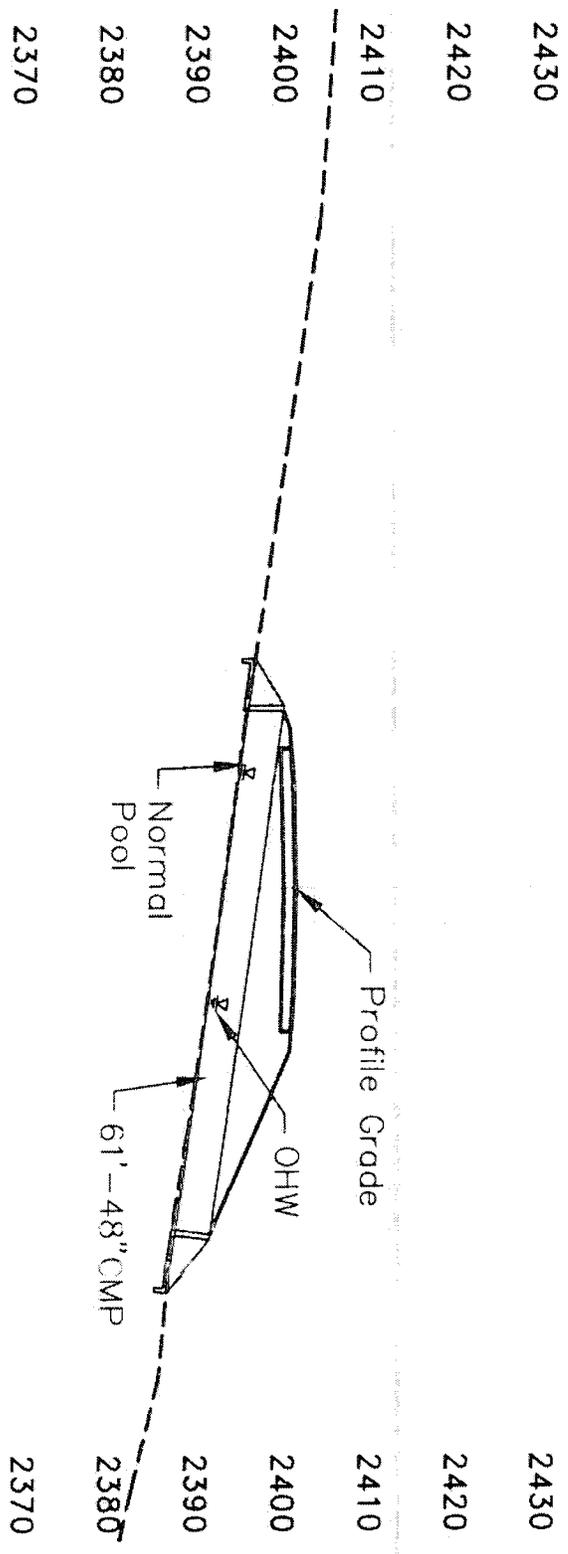
SHEET No. 9 RALEIGH COUNTY MEMORIAL AIRPORT INDUSTRIAL PARK ROADWAY EXTENSION ACTIVITY #1 PROFILE/SECTION	PHONE (304) 824-6106 THRASHER ENGINEERS CIVIL, ENVIRONMENTAL, AND CONSULTING 30 COLUMBIA BOULEVARD - CLARKSBURG, WV 26301 (FAX) (304) 824-7831	SURVEY DATE:	SCALE: AS SHOWN	DATE: 2/8
		SURVEY BY:	DRAWN: JC	DATE:
		FIELD BOOK No.:	CHECKED:	DATE:
		FILE No.	APPROVED:	DATE:
		30-1442	LAYOUT TAB:	404-PROFILE

**2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 6 - Activity 2 - Plan View**

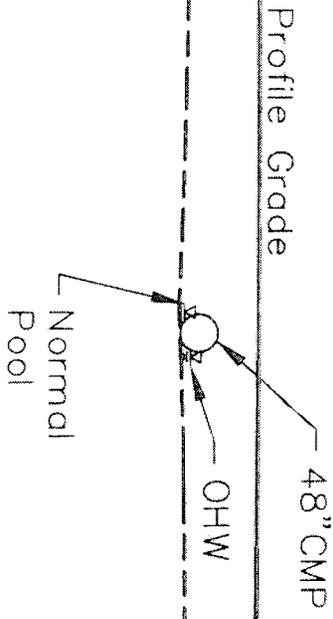


SHEET No. 	RALEIGH COUNTY MEMORIAL AIRPORT INDUSTRIAL PARK ROADWAY EXTENSION ACTIVITY #2 PLAN SHEET	THRASHER CIVIL, ENVIRONMENTAL, AND CONSULTING 30 COLUMBIA BOULEVARD - CLARKSBURG, WV 26301	SURVEY DATE:	SCALE: AS SHOWN	
			SURVEY BY:	DRAWN: JC	DATE: 2/8/
			FIELD BOOK No.:	CHECKED:	DATE:
			FILE No.	APPROVED:	DATE:
			30-1442	LAYOUT TAB: 404-plan (2)	

2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 7 - Activity 2 - Section View



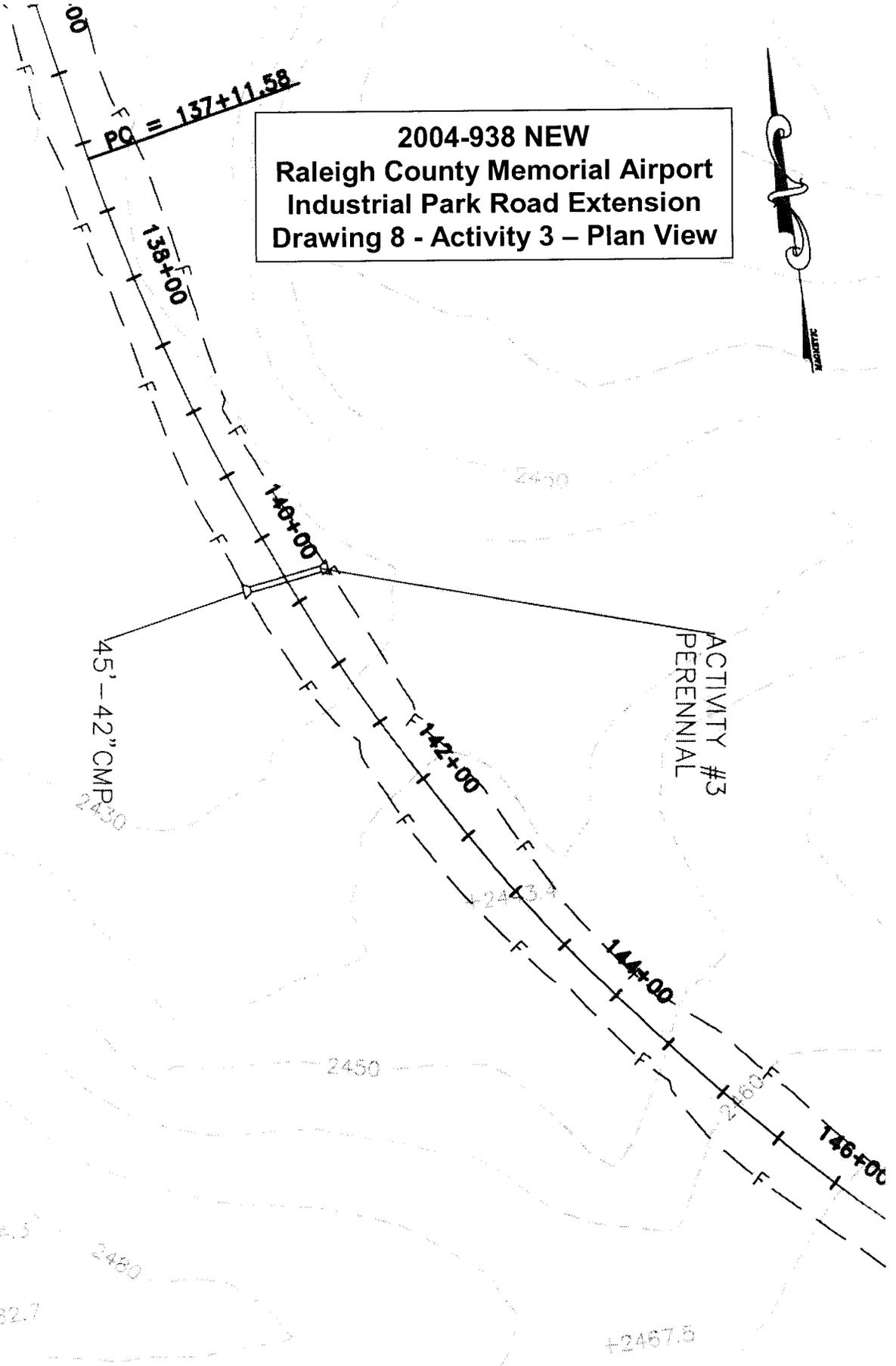
PROFILE
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SECTION
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SHEET No. RALEIGH COUNTY MEMORIAL AIRPORT INDUSTRIAL PARK ROADWAY EXTENSION ACTIVITY #2 PROFILE/SECTION	PHONE (304) 824-4106	THRASHER ENGINEERS	(FAX) (304) 624-7631	SURVEY DATE:	SCALE: AS SHOWN	DATE: 2/9/	
	CIVIL ENVIRONMENTAL AND CONSULTING 30 COLUMBIA BOULEVARD - CLARKSBURG, WV 26301	SURVEY BY:	DRAWN: J.E.	FIELD BOOK No.:	CHECKED:	DATE:	
		FILE No.	APPROVED:	DATE:	LAYOUT TAB:	404-PROFILE(2)	
		30-1442					

**2004-938 NEW
Raleigh County Memorial Airport
Industrial Park Road Extension
Drawing 8 - Activity 3 - Plan View**



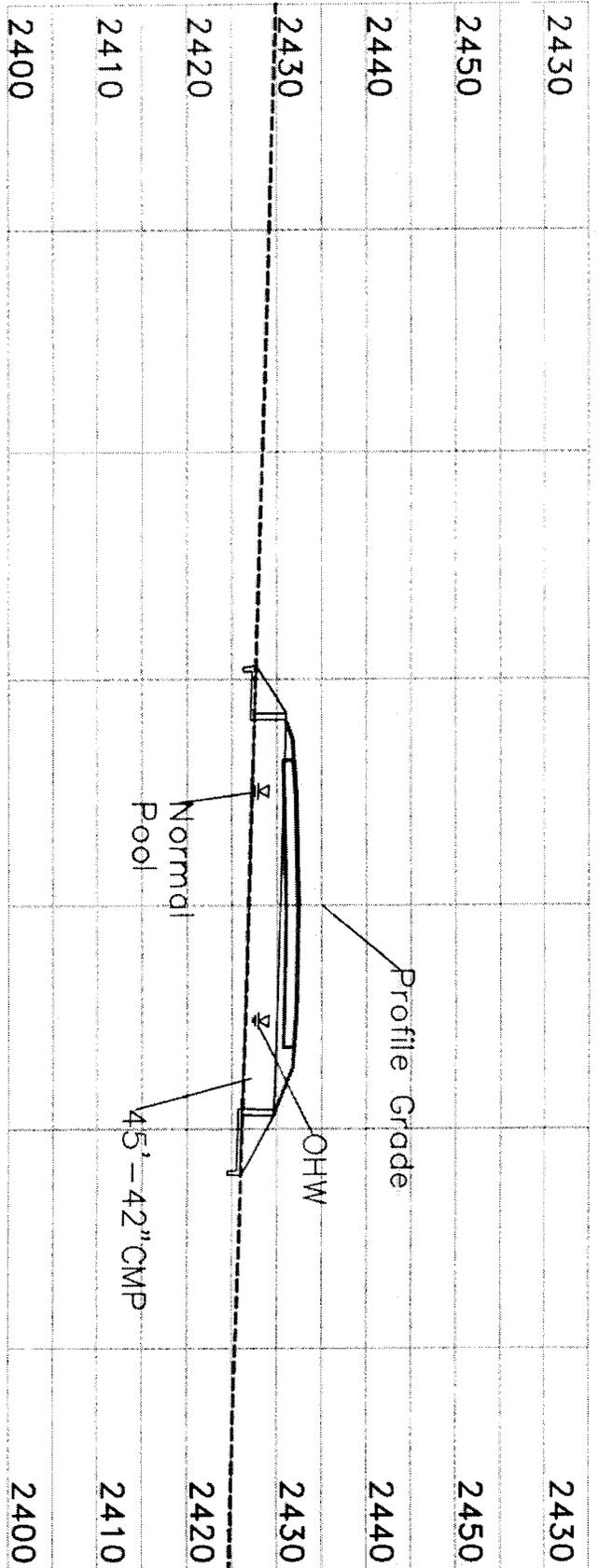
**RALEIGH COUNTY MEMORIAL AIRPORT
INDUSTRIAL PARK
ROADWAY EXTENSION**

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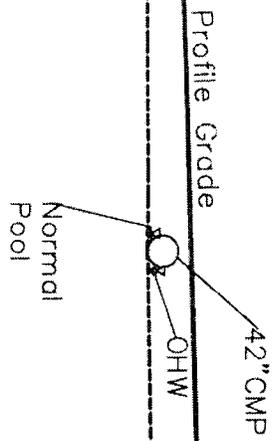
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FILE No.:	APPROVED: DATE:
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SHEET No.

2004-938 NEW
 Raleigh County Memorial Airport
 Industrial Park Road Extension
 Drawing 9 - Activity 3 - Section View



PROFILE
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