

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

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# Public Notice

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In reply refer to Public Notice No. **200500430** Issuance Date: 2 June 2005

Stream: Closing Date: 2 July 2005

**Ohio River – MP 177.8**

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

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**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:** Riverview Terminals, LLC  
1300 Blue Knob Road  
PO Box 729  
Marietta, Ohio 45750

**LOCATION:** The project area is located along the right descending bank of rivermile 177.8 of the Ohio River and just south of Marietta in Washington County, Ohio.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to construct a barge loading, unloading and fleeting facility at milepoint 177.8 of the Ohio River near Marietta, Washington County, Ohio. Materials to be handled would include coal, sand, gravel, lime, aluminum, manganese ore and others. The applicant has proposed to construct their facility beginning approximately 100 feet riverward of the normal pool shoreline. The applicant indicates depth at this location would be sufficient to operate the facility and no dredging of material would occur in association with construction or operation activities. The facility, including all loading, unloading and fleeting areas (described in detail below), would extend no more than 1,600 linear feet along the shoreline. No fill material would be placed below the ordinary high water mark of the river in association with the proposal.

An 8' by 20' work platform would be mounted on a quad-tie and would support a conveyor used to load materials from adjacent upland locations to barges. No greater than two barges side by side (each 35' wide and 195' long) would be loaded at a time. In addition, no greater than 2 barges wide would be moored at the quad tie in preparation for loading. Therefore, maximum extension of the facility would not exceed 170' riverward from the normal pool shoreline (100' to the riverward face of the quad tie and an additional 70' for a maximum 2 barge wide extension). Five tri-ties located up and downstream of the quad-tie would be used to fleet barges no greater than 2 wide in preparation for loading.

Just upstream of the loading area, a 35' wide by 195' long barge would be stationed at two tri-ties and used to support the unloading hopper and conveyor. Work at this barge would also include the repair of equipment and conveyors. An additional four tri-ties would be constructed at and upstream of this area and would be used to fleet barges no greater than 2 wide in preparation for unloading.

Upland facilities would include temporary stockpile areas, a loading and unloading conveyor system and a loading hopper. A settling pond would be constructed just north of the stockpile areas to contain runoff from the facility. All runoff would be directed to the settling pond by ditches. The conveyor system would be covered and equipped with dust shields and drip pans. A telescopic chute would be used to minimize fall distances and water spray bars would be utilized as required.

Plans of the proposed work 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 project. A copy of this public notice will be sent to the State Historic Preservation Office (SHPO) for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

**THREATENED & ENDANGERED SPECIES:** This project is located within the known or historic range of the Indiana bat (endangered); fanshell mussel (E); pink mucket pearly mussel (E); Bald eagle (threatened); and Sheepnose mussel (currently under evaluation for Federal Candidate species). Based on information provided by the applicant, the proposed project would not result in the destruction or adverse modification of habitat necessary for the Indiana bat; therefore, it has been determined the proposal would have no effect on this species. Because the proposal does not involve the dredging of material or the placement of fill material into the river, it has been determined the proposal is not likely to adversely affect the mussels listed above. Based on the location of the proposal, it has been determined the work would have no effect on the bald eagle. The Huntington District has consulted the most recently available information and has determined the project is not likely to adversely affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, 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. 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.

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.

**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. 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. 200401588  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

Please note, the 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 this public notice, please call Ms. Desiree L. Hann of the North Regulatory Section at 304-399-5210.



Ginger Mullins  
Chief, Regulatory Branch

(O, WV)

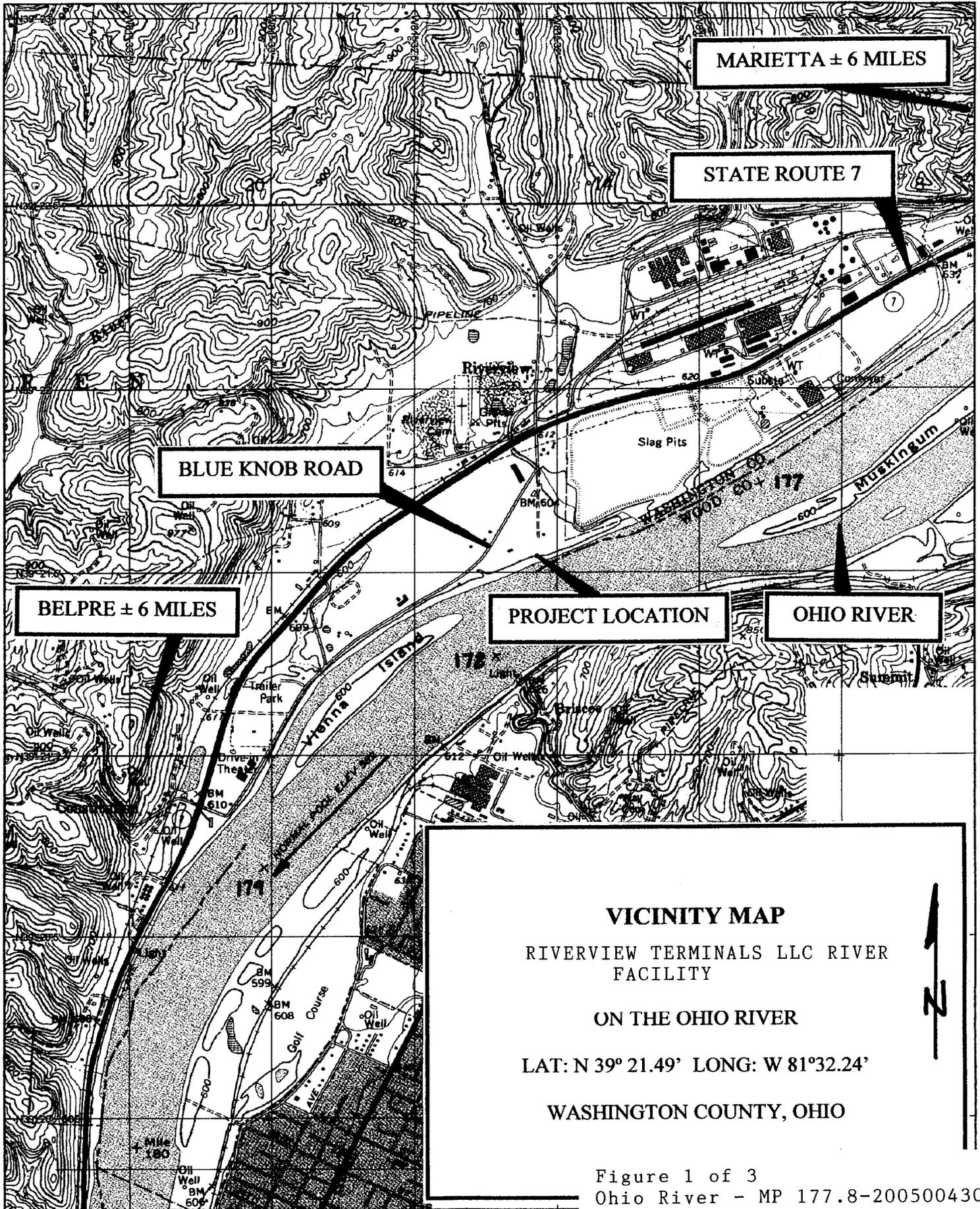


Figure 1 of 3  
 Ohio River - MP 177.8-200500430  
 Riverview Terminals, LLC  
 Location Map

PROPOSED LOADING/UNLOADING FACILITY  
 FOR RIVERVIEW TERMINALS, LLC  
 SITE PLANS

9-10-05  
 4-18-05  
 1" = 100'  
 RIVERVIEW TERMINALS, LLC  
 ALB

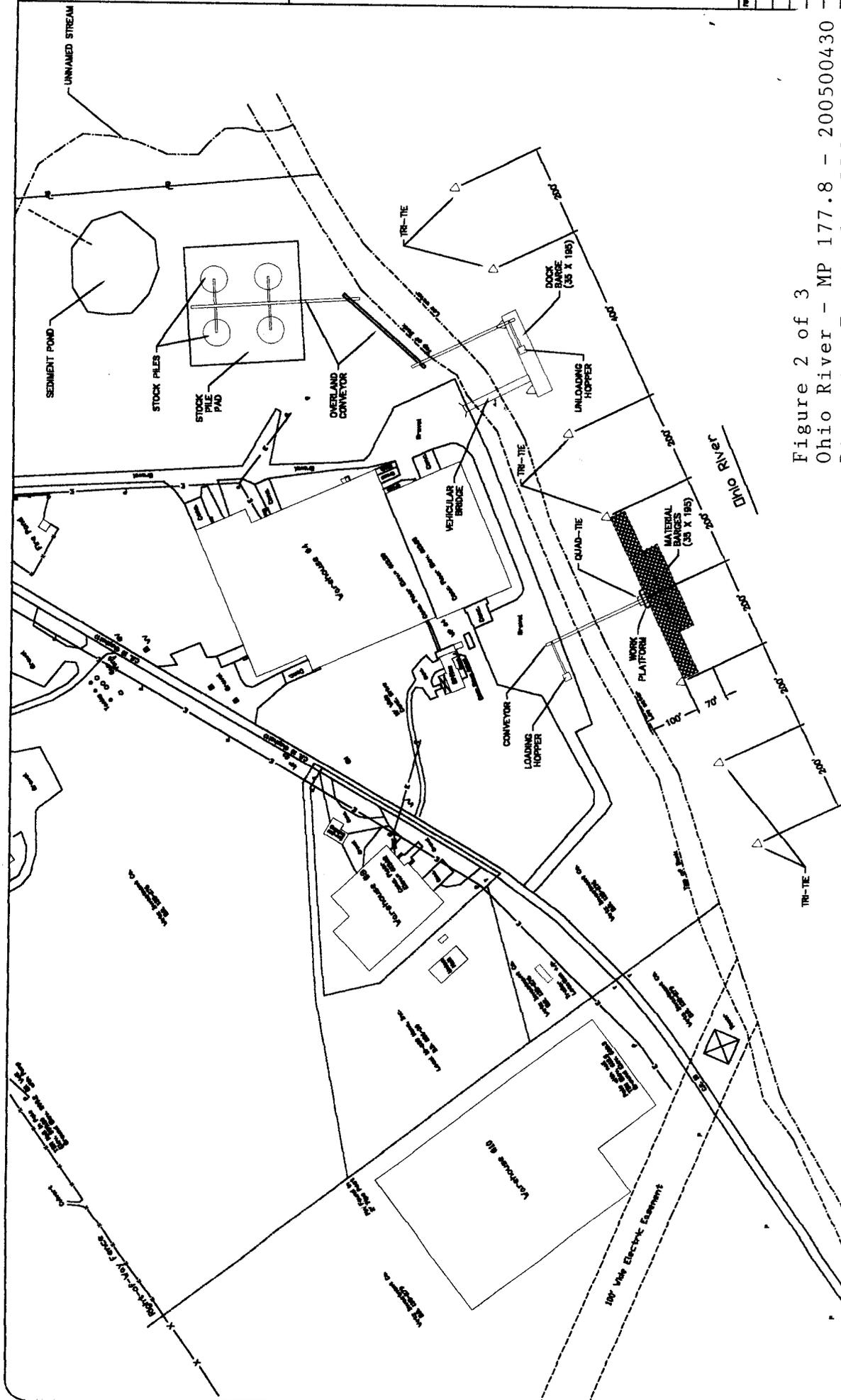


Figure 2 of 3  
 Ohio River - MP 177.8 - 2005000430  
 Riverview Terminals, LLC  
 Plan View

