Public Notice

U S Army USACE
of Engineers
Huntington District

In reply refer to Public Notice No. 199701263-1 Issuance Date: July 25, 2005

Stream: Wolf Creek Closing Date: August 25, 2005

Please address all comments and inquiries to:
U.S. Army USACE 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 404 of the Clean Water Act. This notice serves as the Corps request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

LOCATION: The proposed project is located at the intersection of Lochgelly Road (West Virginia 16) and Appalachian Corridor "L" (US Route 19) approximately 5 miles south of the New River Gorge and 2 miles north of the town of Oak Hill. The proposed project is located in Wolf Creek, its unnamed tributaries and adjacent wetlands, near Oak Hill, in Fayette County, West Virginia.

DESCRIPTION: The applicant proposes to discharge dredged and/or fill material into 2,491 linear feet of stream and 4.265 acres of jurisdictional wetlands in conjunction with the upgrade of Lochgelly Road. The purpose of the project is to eliminate the "at-grade" intersection of Lochgelly Road and Appalachian Corridor "L" and replace it with an interchange to allow for proper flow of traffic and public safety. The proposed project is located within the Wolf Creek watershed which has previously been impacted by mining activities.

Activity 1 involves the relocation of 430 linear feet of Wolf Creek due to road widening and the installation of a box culvert. The relocated segment would be constructed using natural stream design techniques and consist of a limestone substrate to improve water quality. A 25 foot riparian buffer would be created and protected within the highway right-of-way limits.

Activities 2 and 4 consist of the installation of 792 linear feet of a 10'x10' box culvert in Wolf Creek. The culvert would be countersunk to create a natural substrate within the culvert.

Activities 3 and 5 thru 19 would occur due to roadway construction, culvert placements and dam construction. A series of sediment basins are proposed north of the interchange on the west side of Corridor "L". Four temporary dams would be placed in and along Wolf Creek for sediment and erosion control. In-stream structures were approved by the WVDEP to meet NPDES requirements since adequate upland area was not available. Each dam would be 12 feet wide at the crest with 2:1 side slopes. The height would vary from 2.5 feet to 6 feet. Due to varying channel width the amount of material used would range from 30 cubic yards to 180 cubic yards. Dams 1 thru 3 would be constructed of select embankment and utilize a spill way area to accommodate flow. Dam 4 would also consist of select embankment but would have an impervious core and a rise pipe to accommodate normal flow and a spill way area for flows greater than the retention area. The wetlands adjacent to Wolf Creek would be impounded during high flow events. Dams 2 and 4 would each impound 0.34 acre. Dam 1 would impound 0.69 acre during an event while dam 3 would affect 0.84 acre. The total volume impounded for each of the dams range from 24,800 cubic feet for dam 1 to the largest being dam 3 at 110,250 cubic feet. Upon completion of permanent work all temporary fills would be removed to an upland area and waters of the U.S. would be restored to approximate original contours. Detail descriptions of stream and wetland impacts are listed on Tables A16 and A17.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the overall project purpose. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the overall project purpose. The Federal Highway Administration (FHWA) is the lead federal agency for the

proposed project and the applicant must adhere to the National Environmental Policy Act (NEPA). The applicant has prepared an Environmental Assessment dated 1997 and a Finding of No Significant Impact (FONSI) report dated 1999. The FONSI was reevaluated and approved by FHWA in 2005.

COMPENSATORY MITIGATION PLAN: According to the applicant a compensatory mitigation plan is currently being developed to offset impacts to waters of the U.S. Mitigation measures previously stated include natural channel design, countersinking culverts and restoration of temporary impacts. A final compensatory mitigation plan would be required for review and approval by this office.

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 there are no properties currently listed on the register in the area affected by the proposed project. A copy of this public notice will be sent to the State Historic Preservation Offices for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED AND THREATENED SPECIES: The Huntington District has consulted the most recently available information and has determined the project is not likely to 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 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. 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.

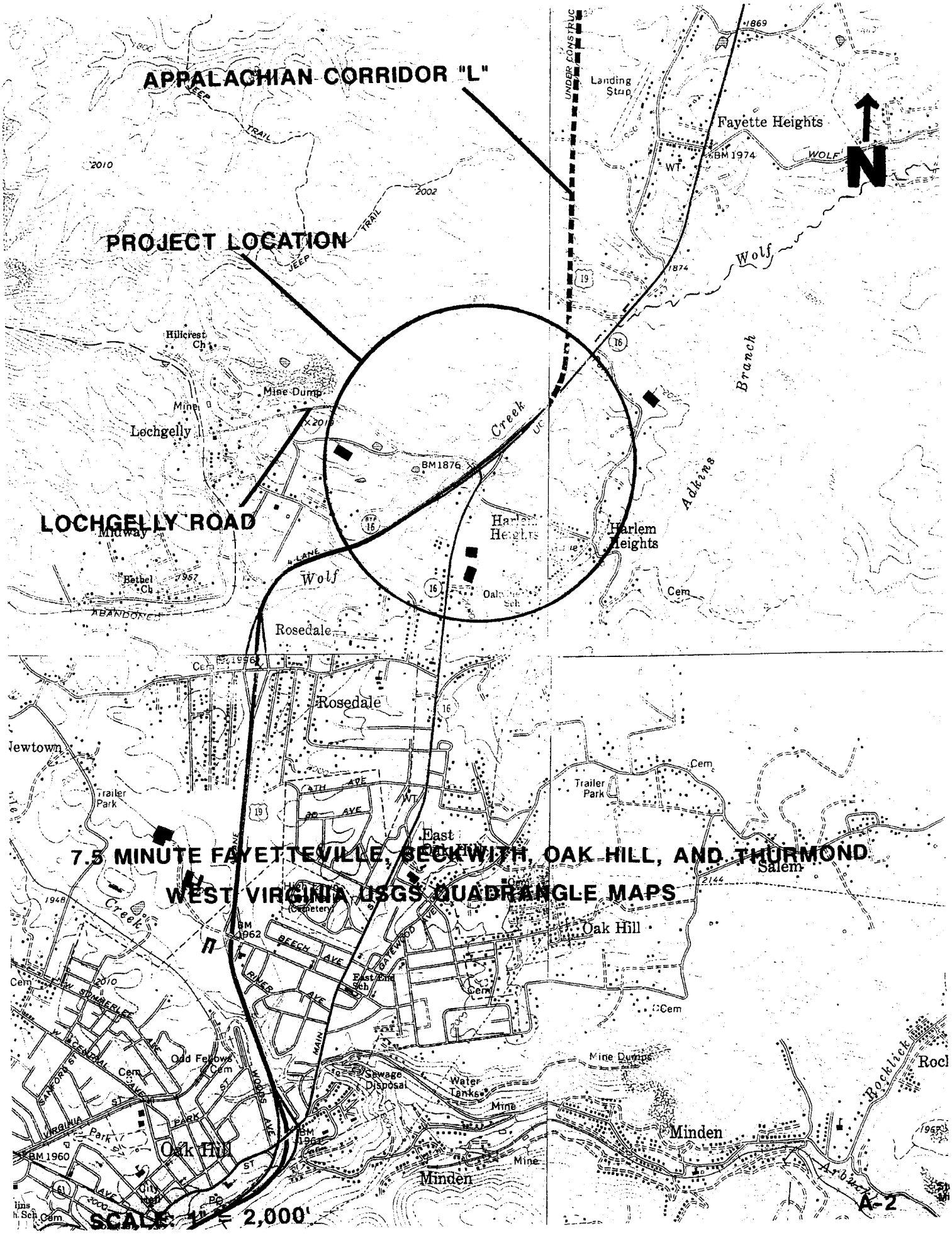
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

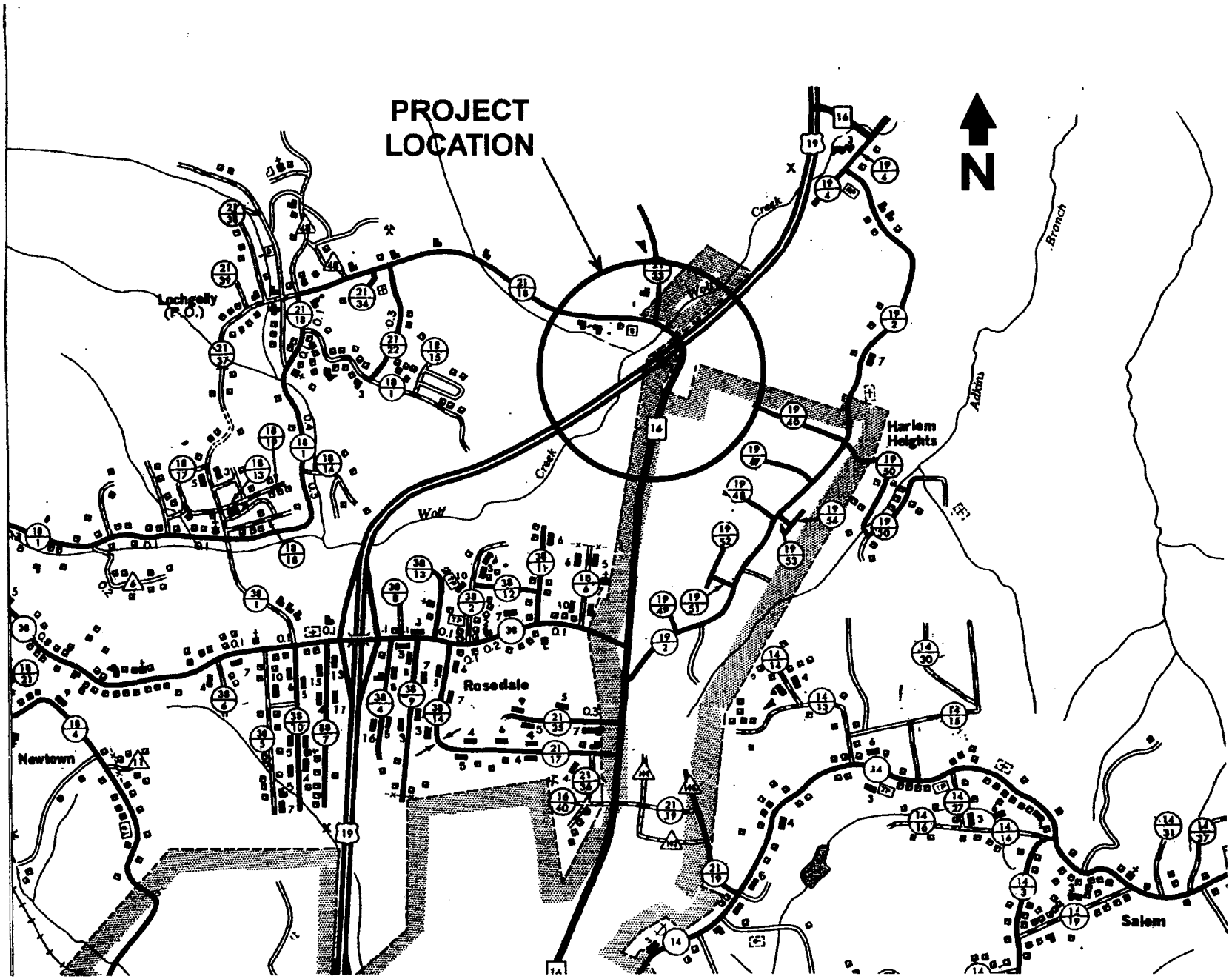
U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 199701263-1
502 Eighth Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please call Mrs. Sarah M. Workman of the South Regulatory Section at 304-399-5710.

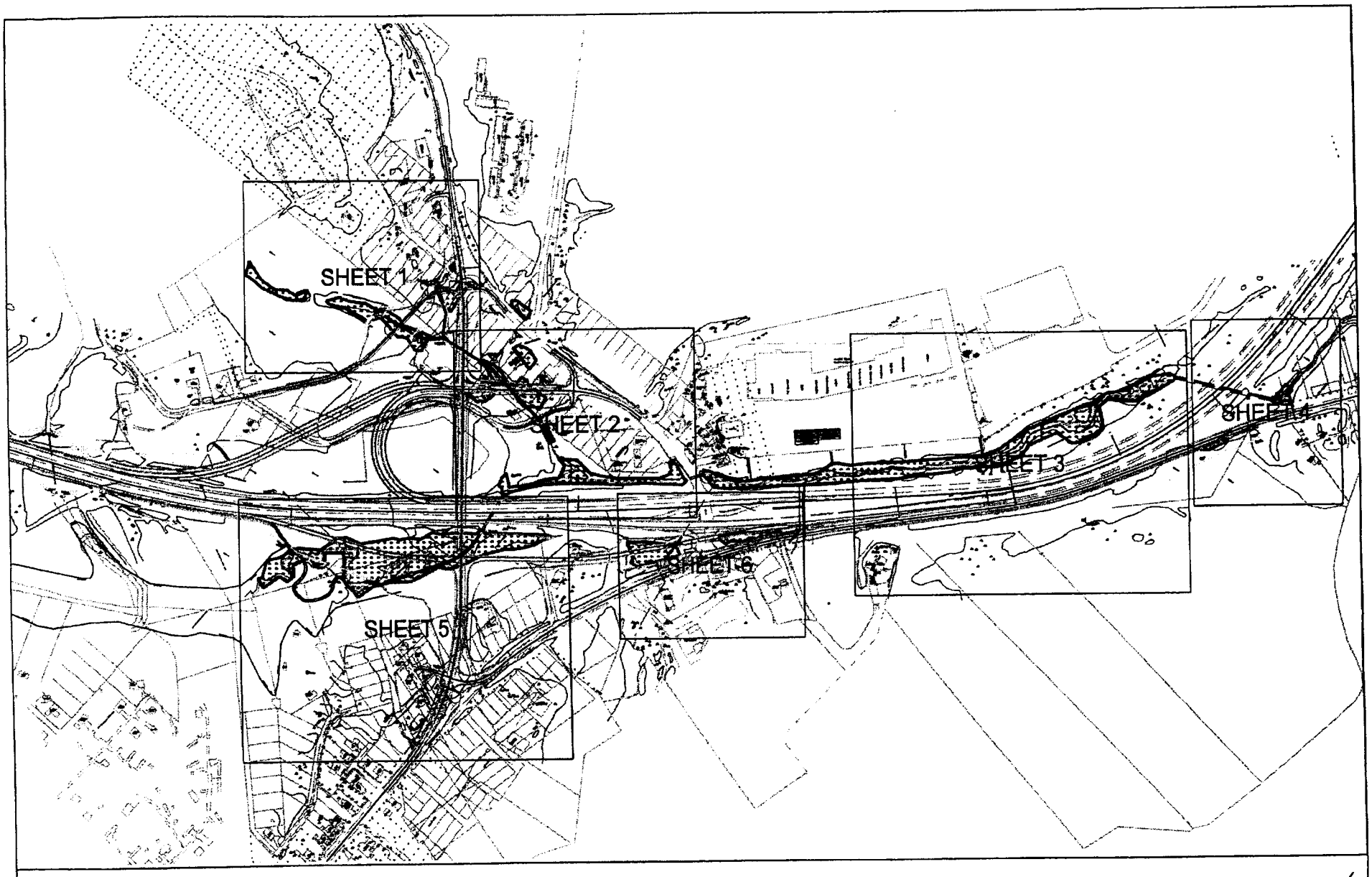
Mark A Taylor
for Ginger Mullins, Chief
Regulatory Branch

(W)


APPALACHIAN CORRIDOR "L"
PROJECT LOCATION
LOCHGELLY ROAD
UNDER CONSTRUC
Landing Strip
Fayette Heights
BM 1974
WOLF
WT
N
Wolf
Branch
Adkins
Creek
Hillcrest Ch
Mine Dump
Mine
Lechgelly
BM1876
Harlem Heights
Midway
Bethel Ch
ABANDONED
Rosedale
Cem
Trailer Park
Newtown
East Oak Hill
Oak Hill
Salem
Minden
Mine Dumps
Sewage Disposal
Water Tanks
Odd Fellows Cem
Rocklick
Arbuckle
7.5 MINUTE FAYETTEVILLE, BECKWITH, OAK HILL, AND THURMOND
WEST VIRGINIA USGS QUADRANGLE MAPS
SCALE: 1" = 2,000'
A-2



VICINITY MAP



LOCHGELLY ROAD - WETLAND IMPACT SHEETS
INDEX SHEET

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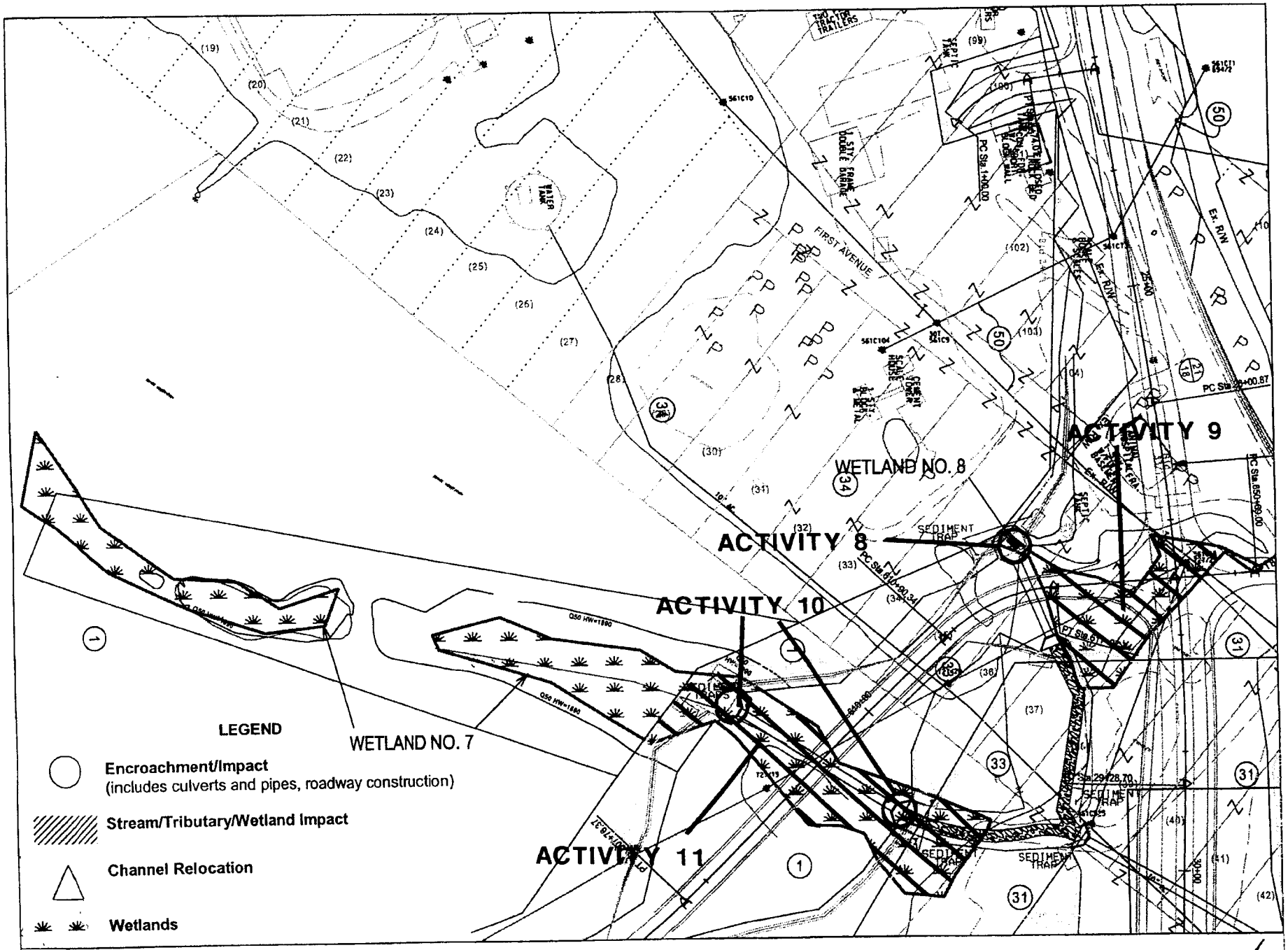

LOCHGELLY ROAD - WETLAND NO. 7 AND 8 IMPACTS
SHEET NO. 1
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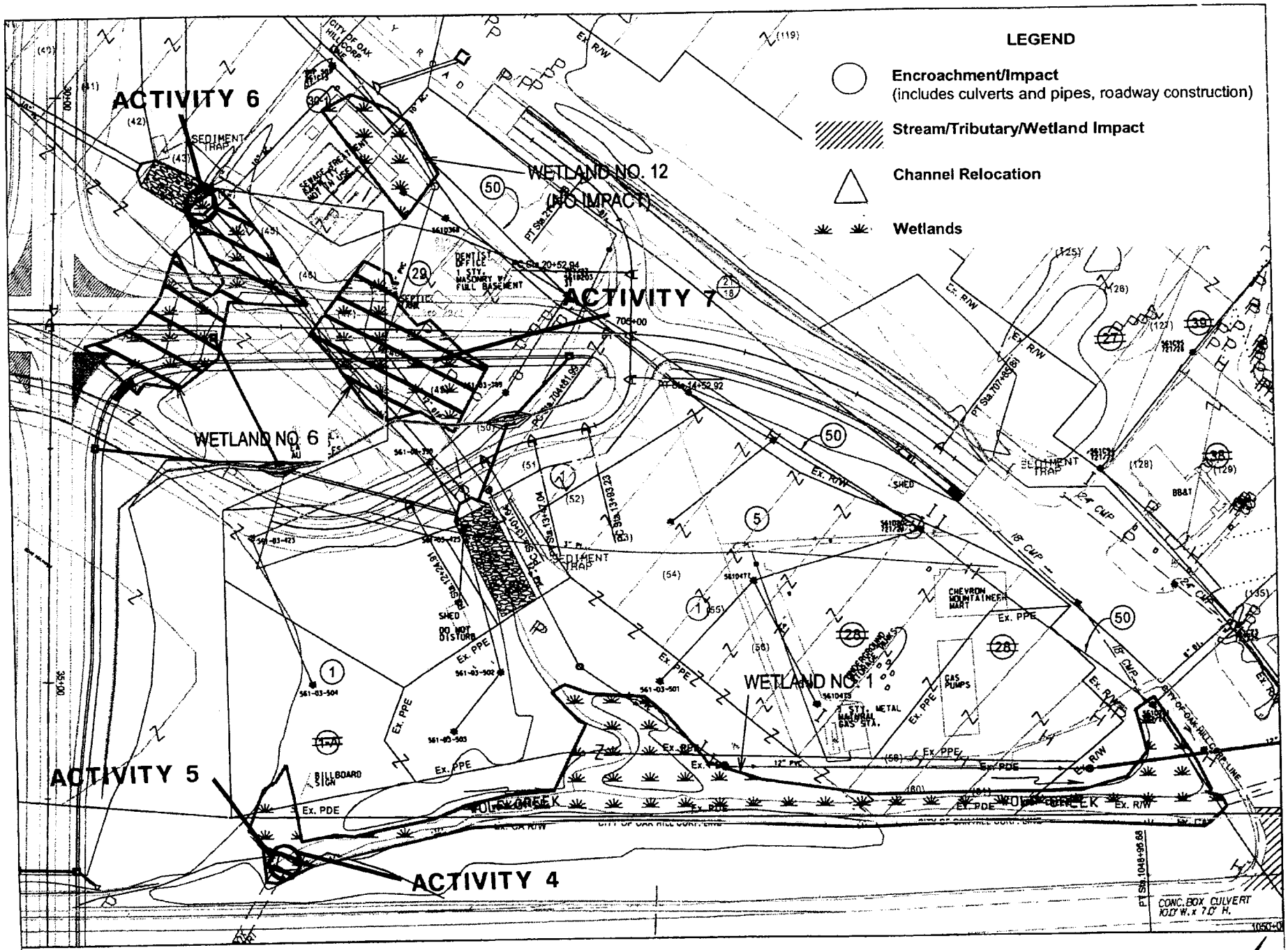

LOCHGELLY ROAD - WETLAND NO. 1 AND 6 IMPACTS

SHEET NO. 2

A-6

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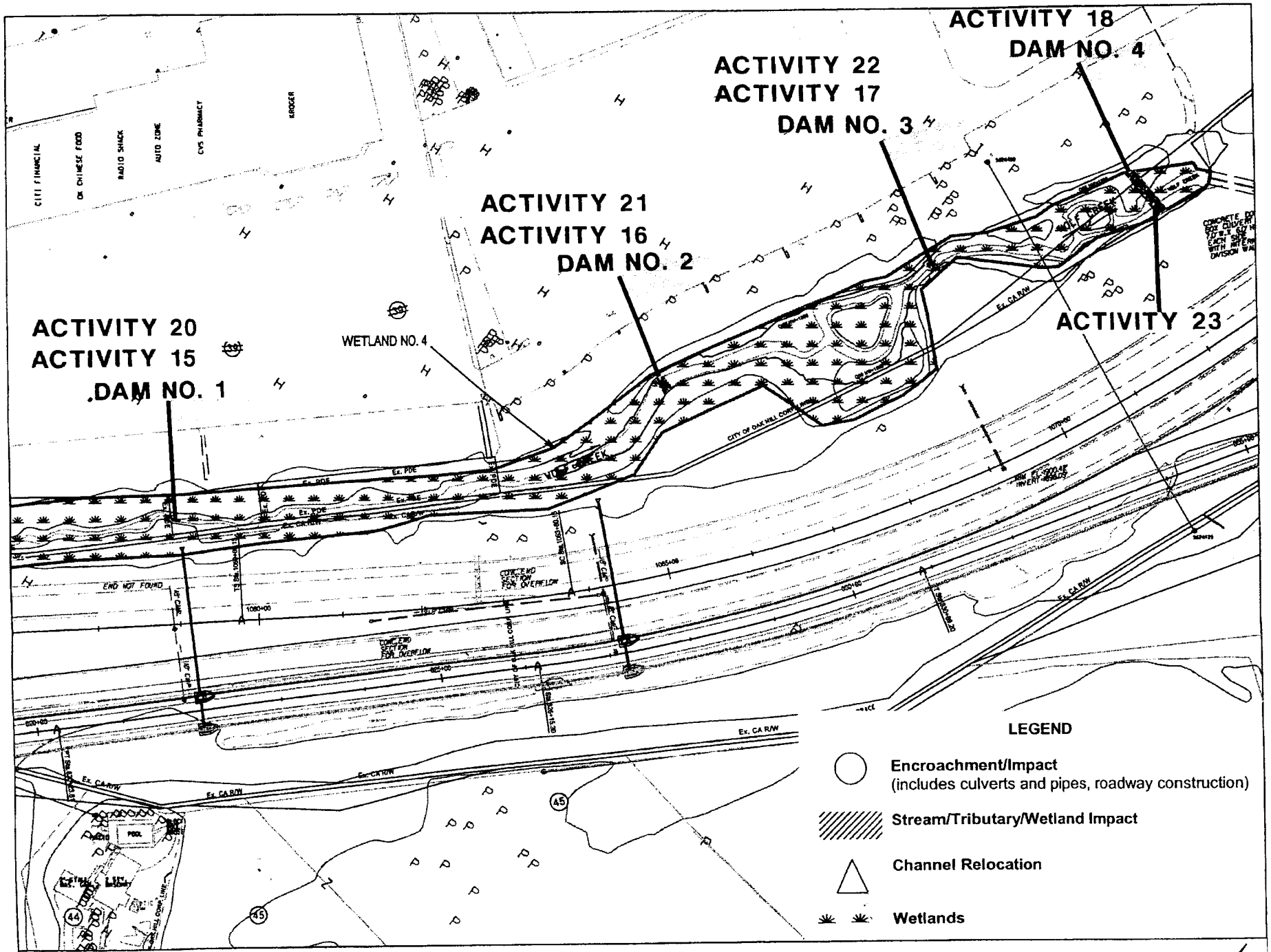

LOCHGELLY ROAD - WETLAND NO. 4 IMPACT
SHEET NO. 3

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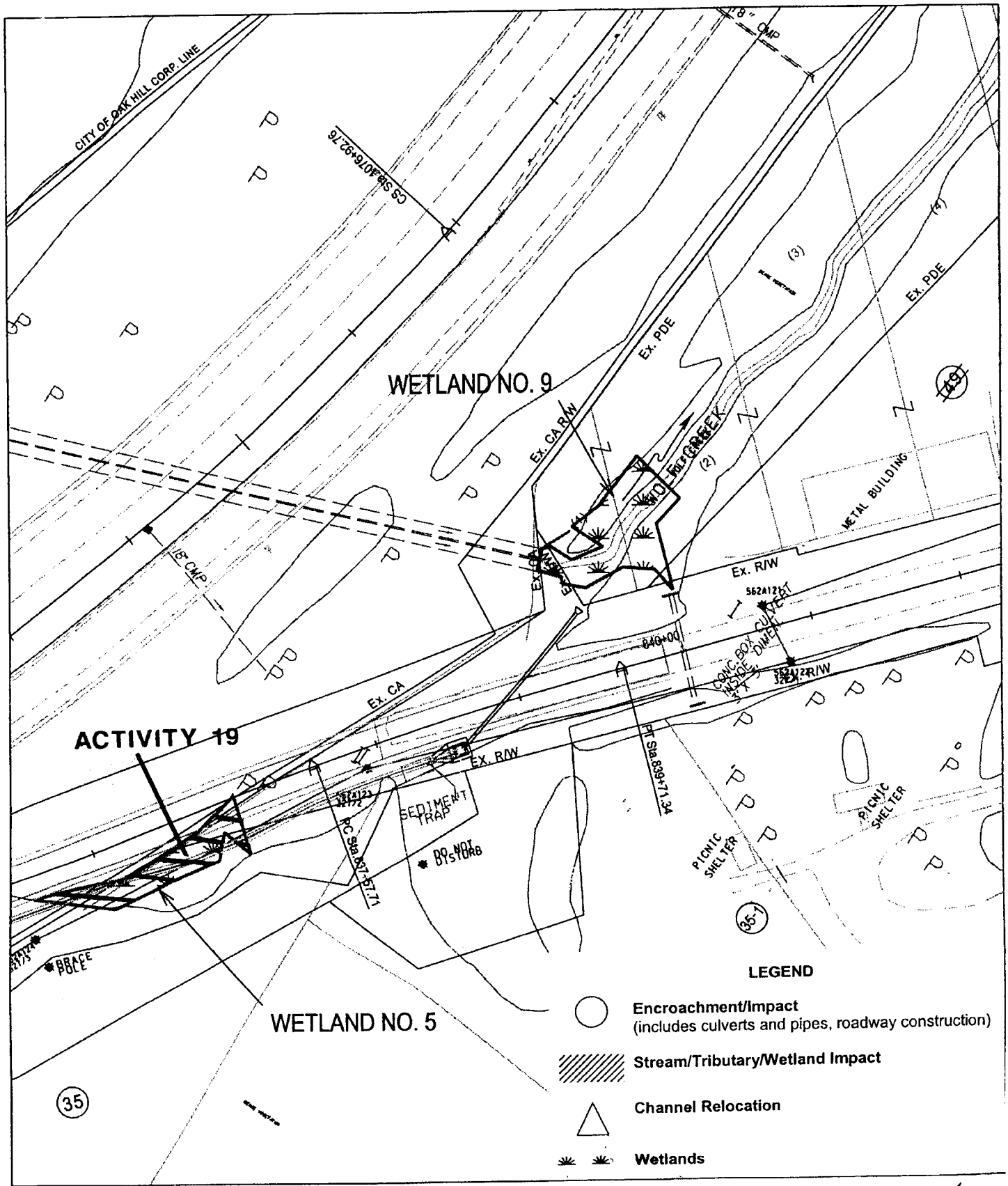

LOCHGELLY ROAD - WETLAND NO. 5 AND 9 IMPACTS

SHEET NO. 4

0 100'

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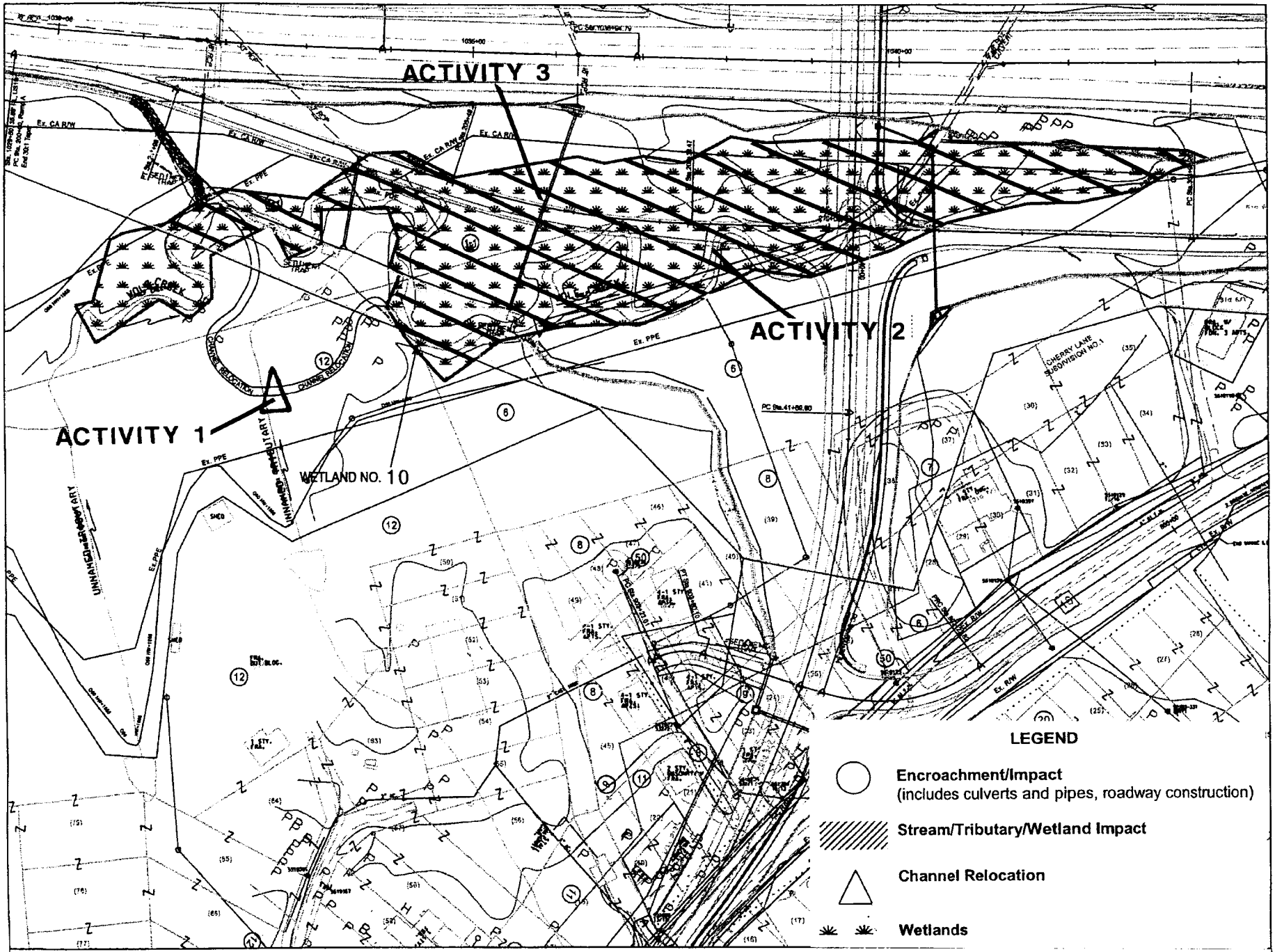

LOCHGELLY ROAD - WETLAND NO. 3 IMPACT
SHEET NO. 5

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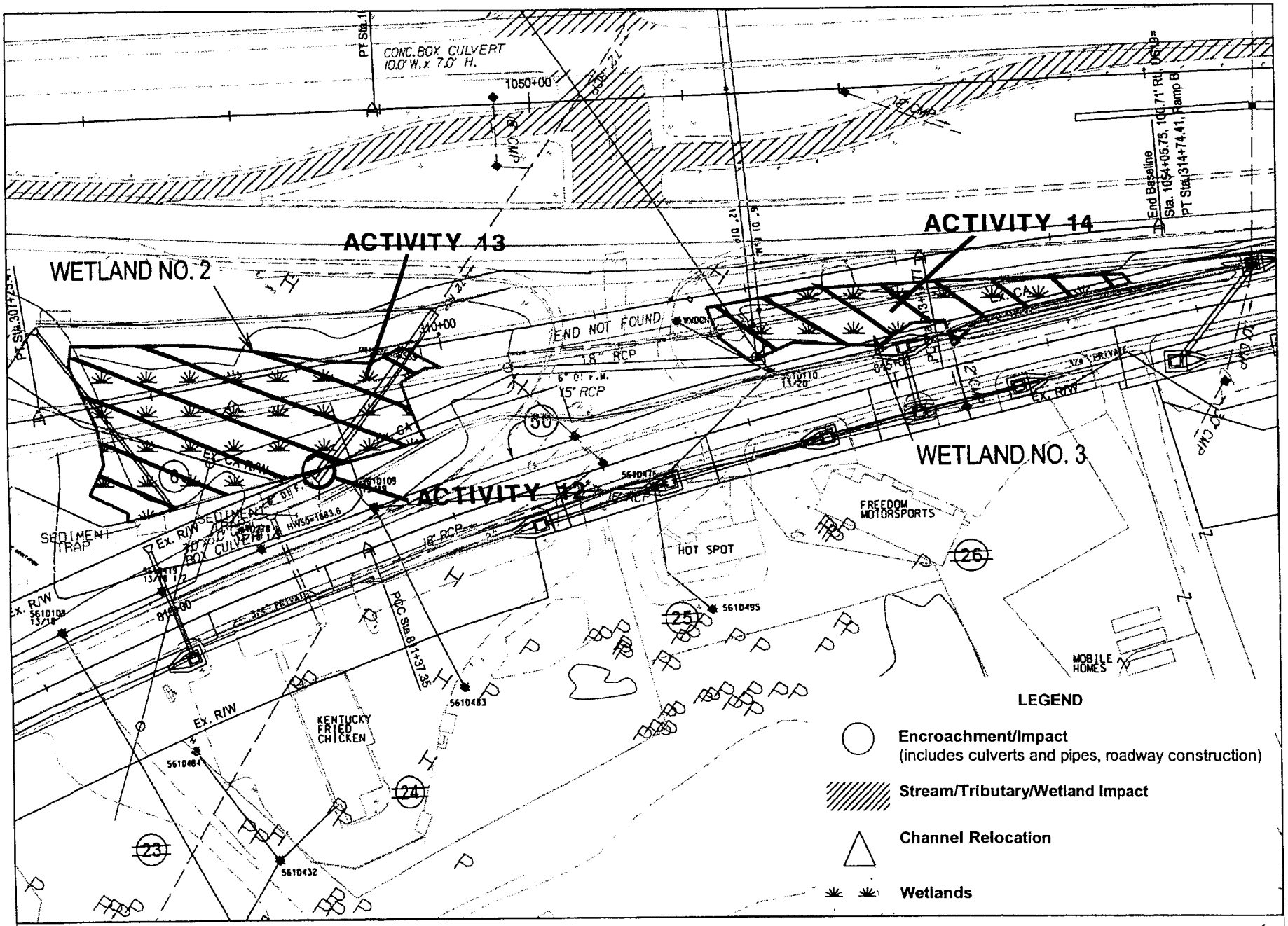

A-10

LOCHGELLY ROAD - WETLAND NO. 2 AND 3 IMPACTS

SHEET NO. 6

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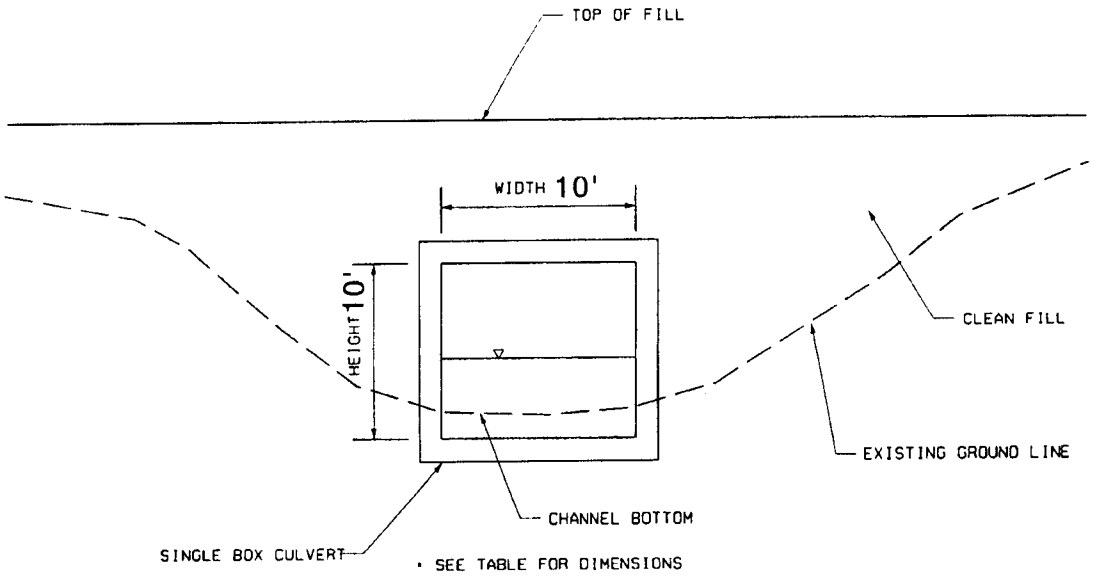
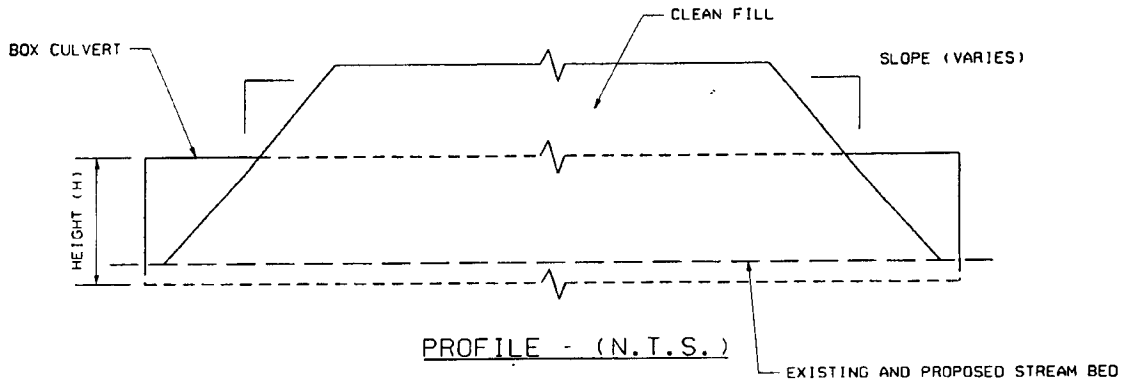


CROSS SECTION - (N.T.S.)

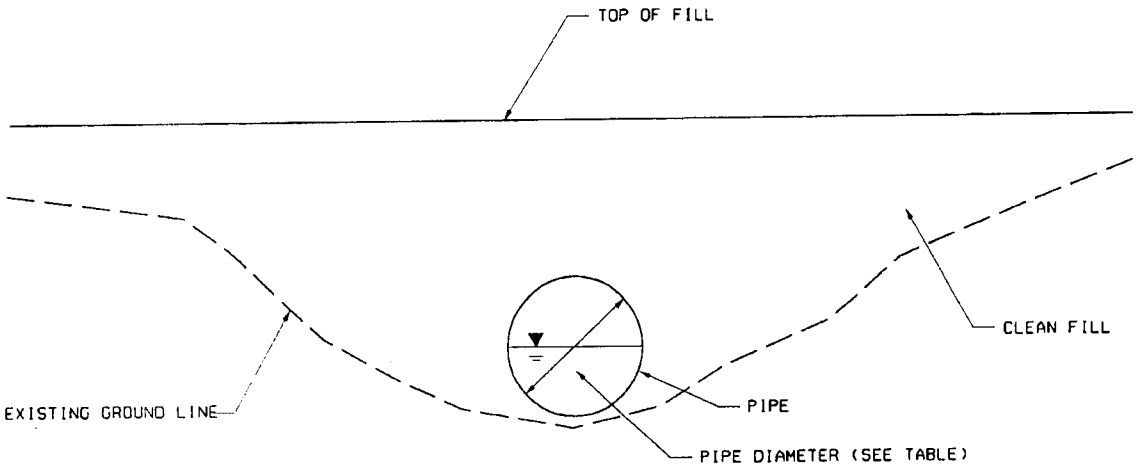
BOX CULVERT DIMENSIONS H X W (FEET)		



PROFILE - (N.T.S.)

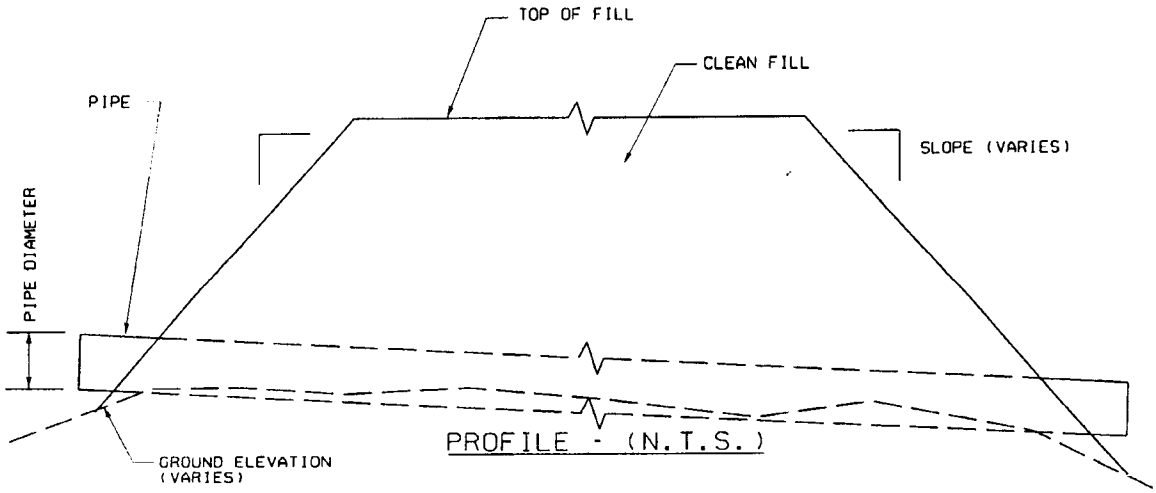
SINGLE BOX CULVERT CROSSING

CROSS SECTION BOX CULVERT



CROSS SECTION - (N.T.S.)

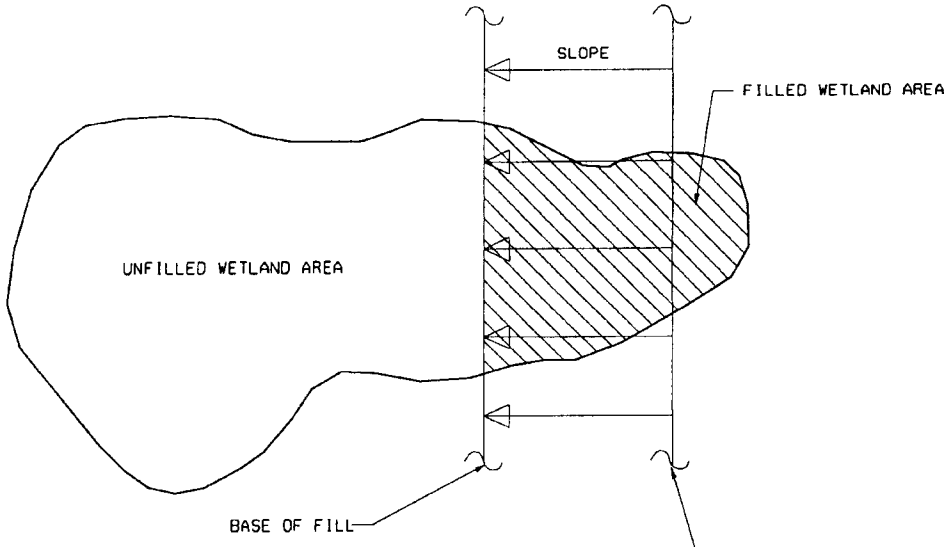
PIPE DIAMETERS (inches)		
24	48	
30	52	
36	60	
42	84	



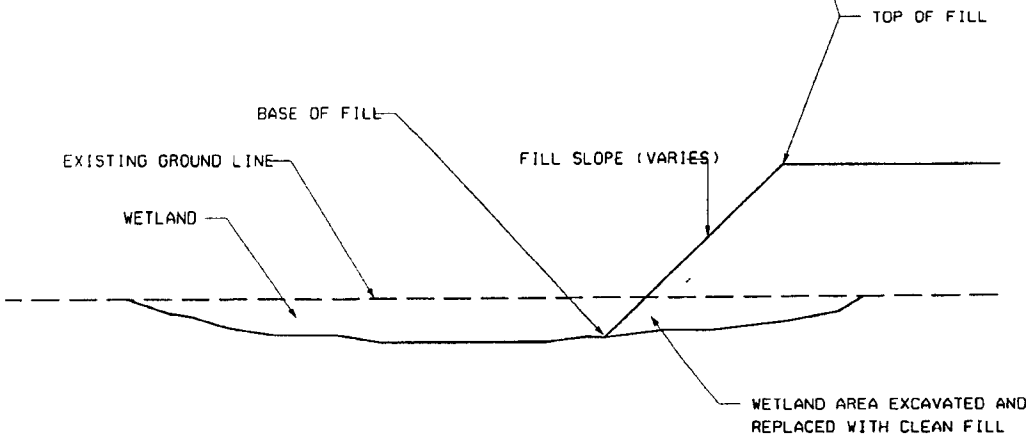
STANDARD PIPE CROSSING

NOTE: OHW & ASSOCIATED QUANTITIES WILL BE PROVIDED WITH FINAL DETAILS OF PROJECT.

SECTION 404
PERMIT APPLICATION



PLAN VIEW - (N.T.S.)

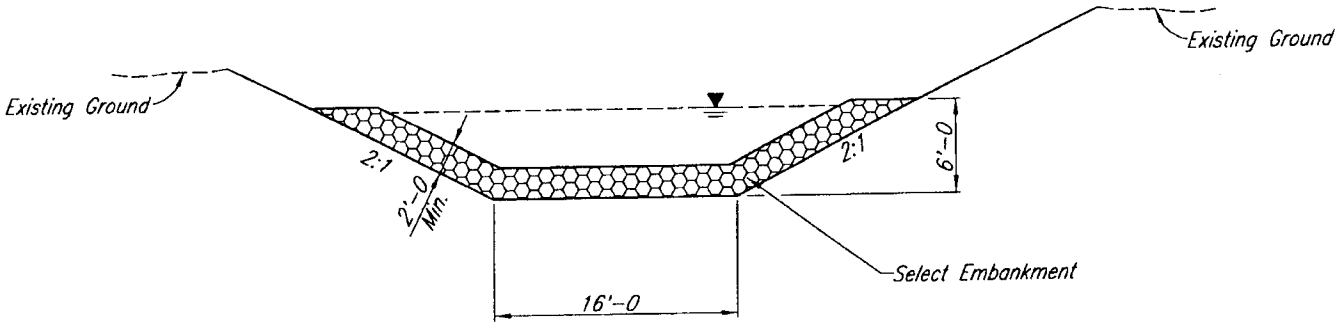


SECTION ALONG HIGHWAY CENTER LINE (N.T.S.)

WETLAND FILL ENCROACHMENT

NOTE: OHW & ASSOCIATED QUANTITIES WILL BE PROVIDED WITH FINAL DETAILS OF PROJECT.

SECTION 404
PERMIT APPLICATION

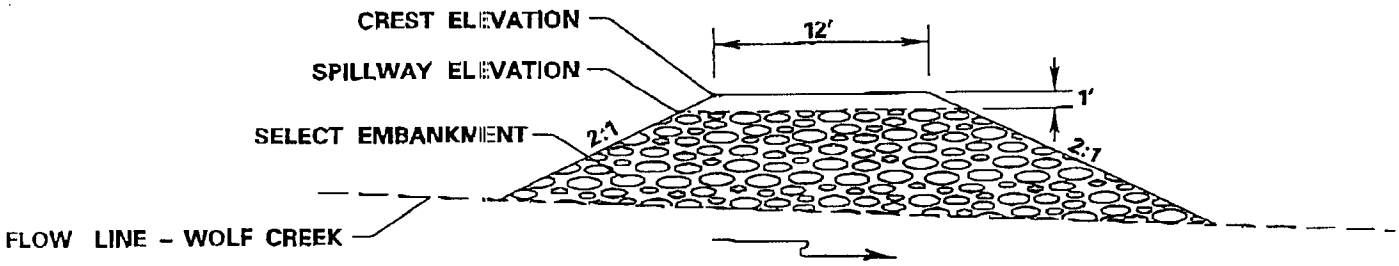


CHANNEL RELOCATION
(Temporary and Permanent)

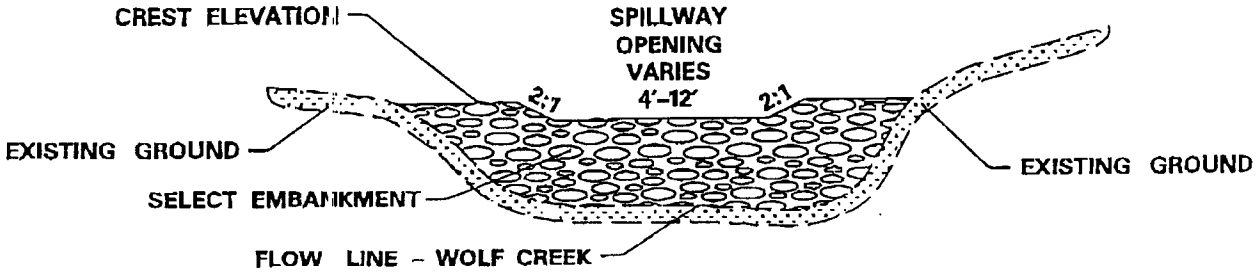
WVDOT – DIVISION OF HIGHWAYS	
CHANNEL RELOCATION	
PROJECT NO. –	
NEFF, LONGEST & BEAM & ASSOC. CONSULTING ENGINEERS	CHARLESTON, W. VA. INDIANAPOLIS, IND.
DATE	SCALE: AS NOTED

A-14

Public Roads Div.	State Dist. No.	State Project No.	Federal Project No.	Fiscal Year	County	Sheet No.	Total Sheets
W.V.	09	U310 -16- 10.81	CMAQ-0016 (123)C	2005	FAYETTE	28	220



SIDE VIEW



FRONT VIEW

SEDIMENT DAM

NEFF, LONGEST, & BEAM and ASSOC., LLC
200 Capitol Street, 5Th Kanawha Valley Building
Charleston, WV 25301

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

SPECIAL DETAIL

REVISION NUMBER	SHEET NUMBER	REVISION	DATE	BY

Detailed Impacts Summary Table for Stream Impacts

Activity Number	Station	Sheet No.	Stream Name	Stream Type	Stream Impact Length (LF)	Type of Crossing/Sheet No.	PIPE SIZE	Acres of impact {cubic yards}	Stream Reach
1	1031+50 to 1034+80	A-9	Wolf Creek	Perennial	430	Relocation/A-14	N/A	0.12 {800}	R6
2	40+74 to 38+00 Lochgelly Road	A-9	Wolf Creek	Perennial	741	Box Culvert Placement and Fill/A-13	10x10	0.9 {5900}	R6 & C1
4	36+00 Lochgelly Road	A-6	Wolf Creek	Perennial	51	Box Culvert Extension/A-11	10x10	0.01 {130}	R7
6	702+00 Mall Road	A-6	Unnamed Tributary to Wolf Creek	Perennial	680	Roadway Fill/Culvert/A-12	108" RCP	0.06 {400}	R4 & R3
8	611+86 AR1	A-5	Unnamed Tributary to Wolf Creek	Perennial	240	Roadway Fill/Culvert/A-12	84" RCP	0.01 { 140}	R1
10	609+22	A-5	Unnamed Tributary to Wolf Creek	Perennial	179	Roadway Fill/Culvert/A-12	84" RCP	0.01 {110}	R2
12	310+00 "B"	A-10	Unnamed Tributary to Wolf Creek	Perennial	170	Roadway Fill/Culvert/A-12	72" RCP	0.01 {100}	R5
Total					2,491			**1.12 {7,580}**	

Detailed Impacts Summary Table for Temporary Impacts

Activity Number	Station	Sheet No.	Stream Name (Wetland Class.)	Stream Type	Stream Impact Length (LF)	Type of Crossing/Sheet No.	Acres of impact {cubic yards}
20	1059+00	A-7	Wolf Creek	Perennial	24	Sediment Dam Fill/A-13, A-15	0.004 {20}
21	1065+50	A-7	Wolf Creek	Perennial	28	Sediment Dam Fill/A-13, A-15	0.008 {50}
22	1069+50	A-7	Wolf Creek	Perennial	32	Sediment Dam Fill/A-13, A-15	0.01 {70}
23	1072+50	A-7	Wolf Creek	Perennial	36	Sediment Dam Fill/A-13, A-15	0.033 {180}
15/W4	1059+00	A-7	(PEM)	N/A	N/A	Sediment Dam Fill/A-13, A-15	0.004 {10}
16/W4	1065+50	A-7	(PEM)	N/A	N/A	Sediment Dam Fill/A-13, A-15	0.008 {20}
17/W4	1069+50	A-7	(PEM)	N/A	N/A	Sediment Dam Fill/A-13, A-15	0.01 {30}
18/W4	1072+50	A-7	(PEM)	N/A	N/A	Sediment Dam Fill/A-13, A-15	0.033 {30}
Total							**0.11 {440}**

Detailed Impacts Summary Table for Stream Crossings (Wetland Impacts)

Activity Number/ Wetland ID	Station	Sheet No.	Wetland Classification	Amount Wetland Impacted (acre)	Total Wetland Area (acre)	Remarks
3/W10	1031+00 to 1043+50 (US 19)	A-9	PFO	2.57	3.68	Wetland fill from roadway construction and box culvert placement, Sheet No. A-13
5/W1	1041+50	A-6	PSS	0.01	0.81	Wetland fill from box culvert placement, Sheet No. A-13
7/W6	701+00 to 704+00 Mall Road	A-6	PSS	0.5	0.54	Wetland fill from roadway construction and culvert placement, Sheet No. A-13
9/W8	611+80 AR1 to 650+60 AR2	A-5	PFO	0.22	0.23	Wetland fill from roadway construction and culvert placement, Sheet No. A-13
11/W7	608+00 to 609+50	A-5	PFO	0.26	0.81	Wetland fill from roadway construction and culvert placement, Sheet No. A-13
13/W2	308+00 to 310+00 "B"	A-10	PSS	0.44	0.45	Wetland fill from roadway construction and culvert placement, Sheet No. A-13
14/W3	312+00 to 314+50 "B"	A-10	PEM	0.17	0.17	Wetland fill from roadway construction, Sheet No. A-13
15/W4	1059+00	A-7	PEM	0.005	3.23	Wetland fill from Dam 1 construction, Sheet No. A-13, A-15
16/W4	1065+50	A-7	PEM	0.005	W4	Wetland fill from Dam 2 construction, Sheet No. A-13, A-15
17/W4	1069+50	A-7	PEM	0.01	W4	Wetland fill from Dam 3 construction, Sheet No. A-13, A-15
18/W4	1072+50	A-7	PEM	0.015	W4	Wetland fill from Dam 4 construction, Sheet No. A-13, A-15
19/W5	836+00 to 837+00 Lochgelly Road	A-8	PSS	0.06	0.06	Wetland fill from roadway construction, Sheet No. A-13
TOTAL				**4.265**	**9.98**	

*Note: Wetland delineations were conducted by Kimley-Horn and Associates, Inc. in March and April of 2005.