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**Public Notice**

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

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In reply refer to Public Notice No. 200500054 Issuance Date: August 23, 2005

Stream: Un Trib Windmill Gap Branch Closing Date: September 22, 2005

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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

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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 404 of the Clean Water Act.

**APPLICANT:** Ashland Scenic Campground, LLC  
HC76, Box 682, Route 17  
Ashland, WV 24868

**LOCATION:** The proposed project is located approximately one mile east of Ashland, McDowell County, West Virginia. The streams on site are unnamed tributaries to Windmill Gap of the North Fork of Elkhorn Creek, a tributary of the Tug Fork of the Big Sandy River.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to develop approximately 52 acres of land, previously disturbed by surface and underground mining, into the Ashland Scenic Campground and ATV Resort. The campground would include 39 pull through sites, 25 back in sites, eight tent sites, 35 cabins and five cottages. Development of the campground would include the placement of fill material into approximately 895.2 linear feet of the right fork of an unnamed tributary to Windmill Gap Branch to facilitate campground development. The stream would be relocated to an abandoned stream channel for approximately 1,005 linear feet. The abandoned stream channel would be modified in accordance with the Compensatory Mitigation Plan submitted by the applicant to enhance flow capacity and wildlife habitat. In addition, approximately 1,235 linear feet of the main tributary to Windmill Gap Branch would be enhanced by stabilizing eroding stream banks to reduce the sediment loading into the stream.

Three 40' culverts and two 20' culverts would be installed in the right and left fork tributaries to facilitate the construction of internal roads and would remain for the life of the project. The installation of eight sewer/water line crossings would temporarily impact approximately 48 linear feet of streams. Upon completion of construction the stream channels impacted by utility line installation would be restored to preconstruction contours. Two wetlands totaling 0.012 acre would be filled to facilitate lot development. An existing 0.20 acre wetland would be preserved in its natural state and would not be developed for any other use.

**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 (NRHP) 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 SHPO for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** 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).

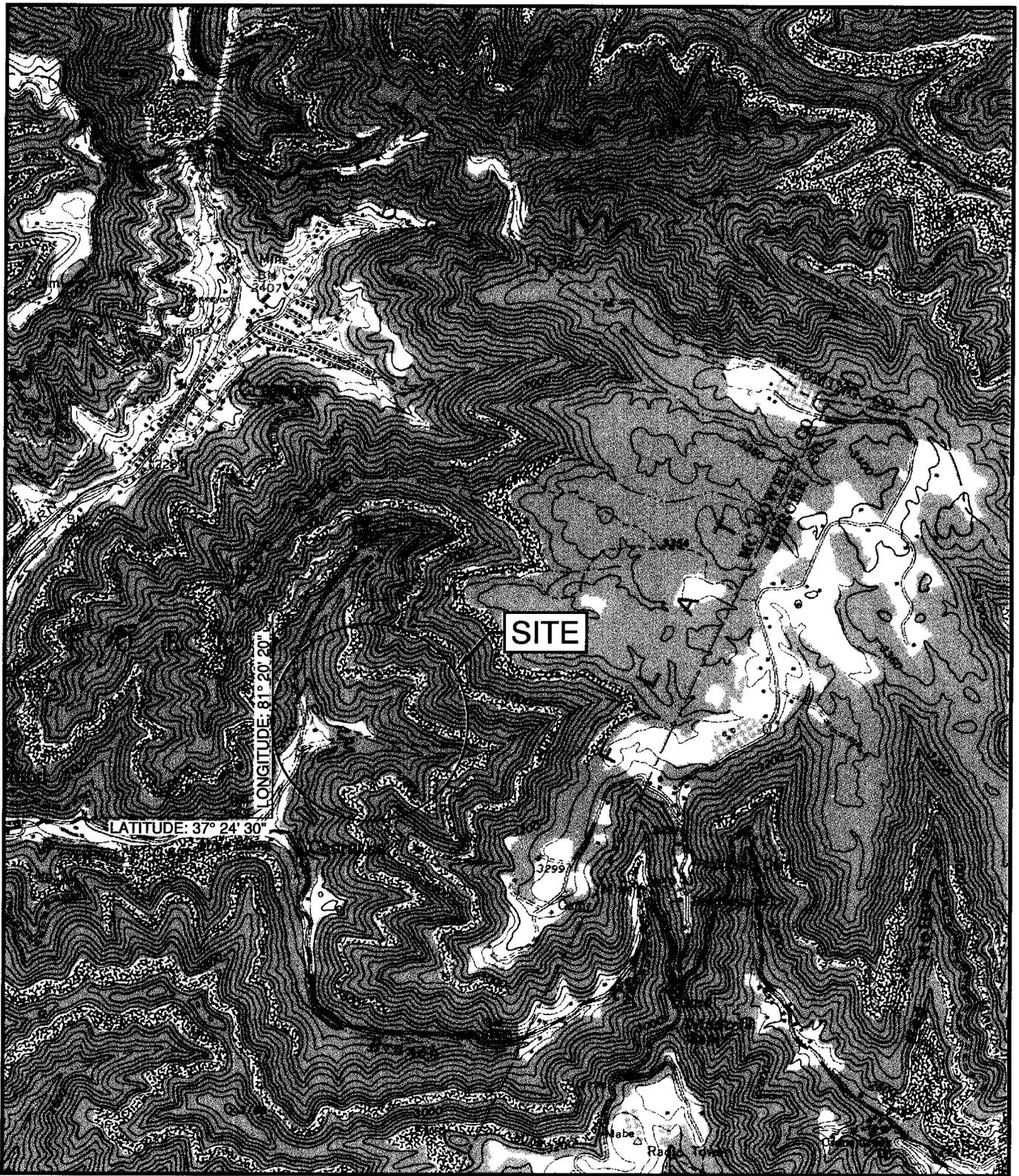
**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. 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.

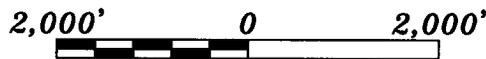
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Ms. Tammy R. Fudge, Regulatory Project Manager, South Regulatory Section, CELRH-OR-FS, 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 Ms. Tammy R. Fudge of the South Regulatory Section at 304-399-5710.

  
Ginger Mullins, Chief  
Regulatory Branch



**KOA CAMPGROUND**

PORTION OF USGS 7.5' CRUMPLER, WV QUADRANGLE



SCALE 1:24,000

VICINITY MAP

FIGURE 1

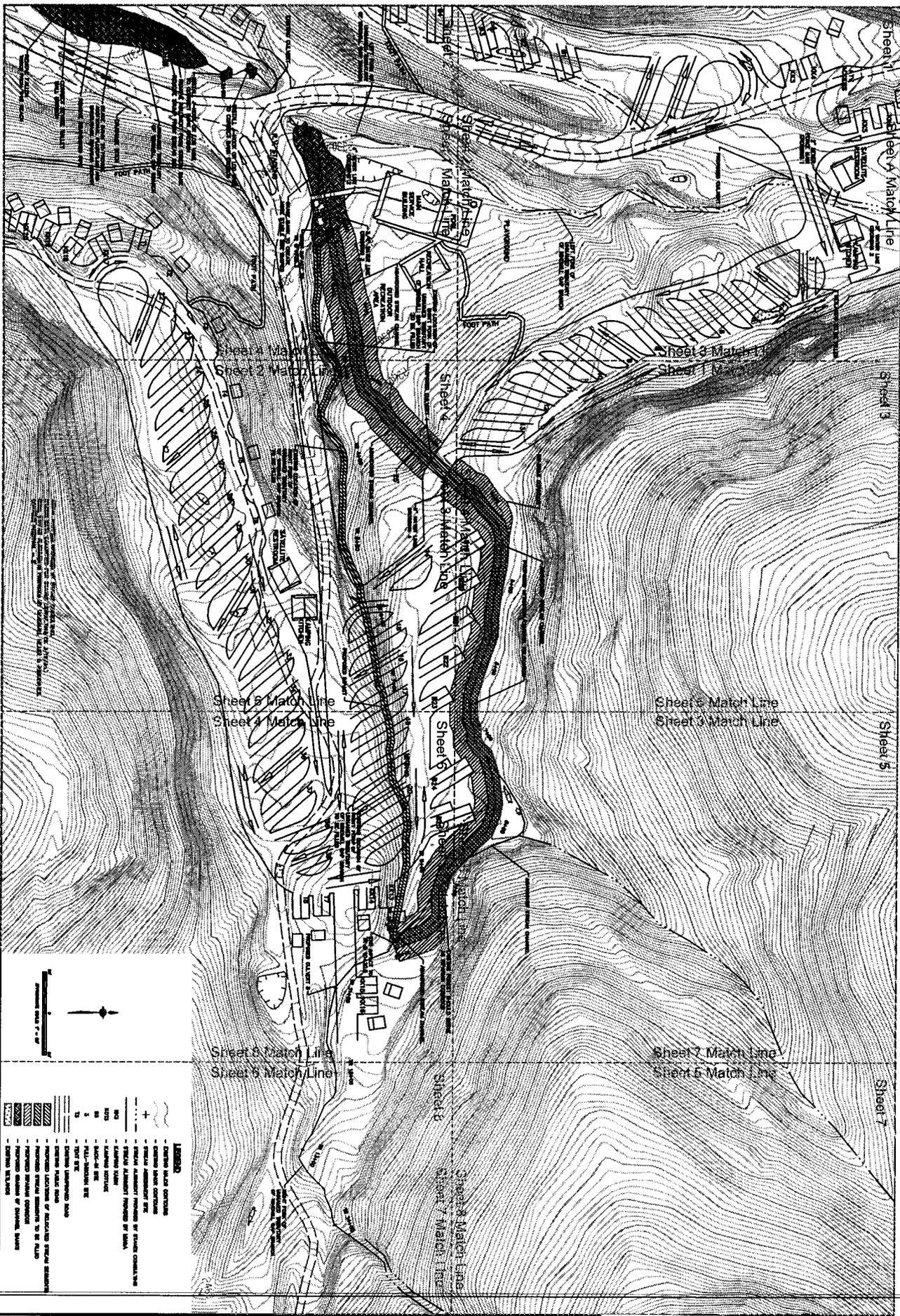


QUADRANGLE LOCATION

1 of 15

Prepared by:





**ASHLAND SCENIC CAMPGROUND, LLC.**  
**ASHLAND, WEST VIRGINIA**  
**RIGHT FORK OF UNNAMED TRIBUTARY**  
**SEGMENT 1**

DESIGNED	8/20
DRAWN	8/20
CHECKED	8/20
DATE	07/24/2018
SCALE	AS SHOWN
PROJECT NO.	17770
FILE NO.	17770-01-001

No.	Date	Revision

Figure 4 Legend

Sheet A

Sheet B Match Line

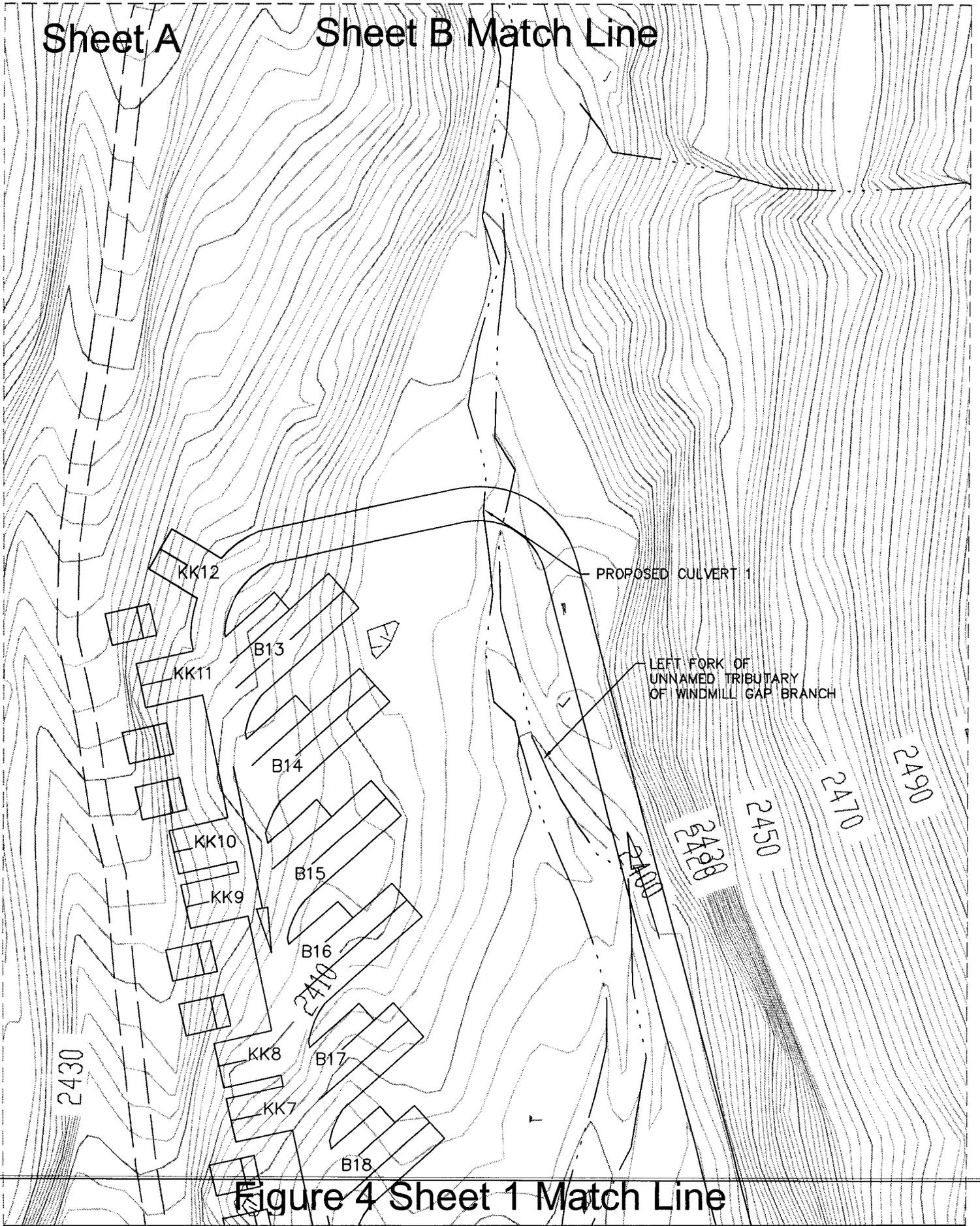
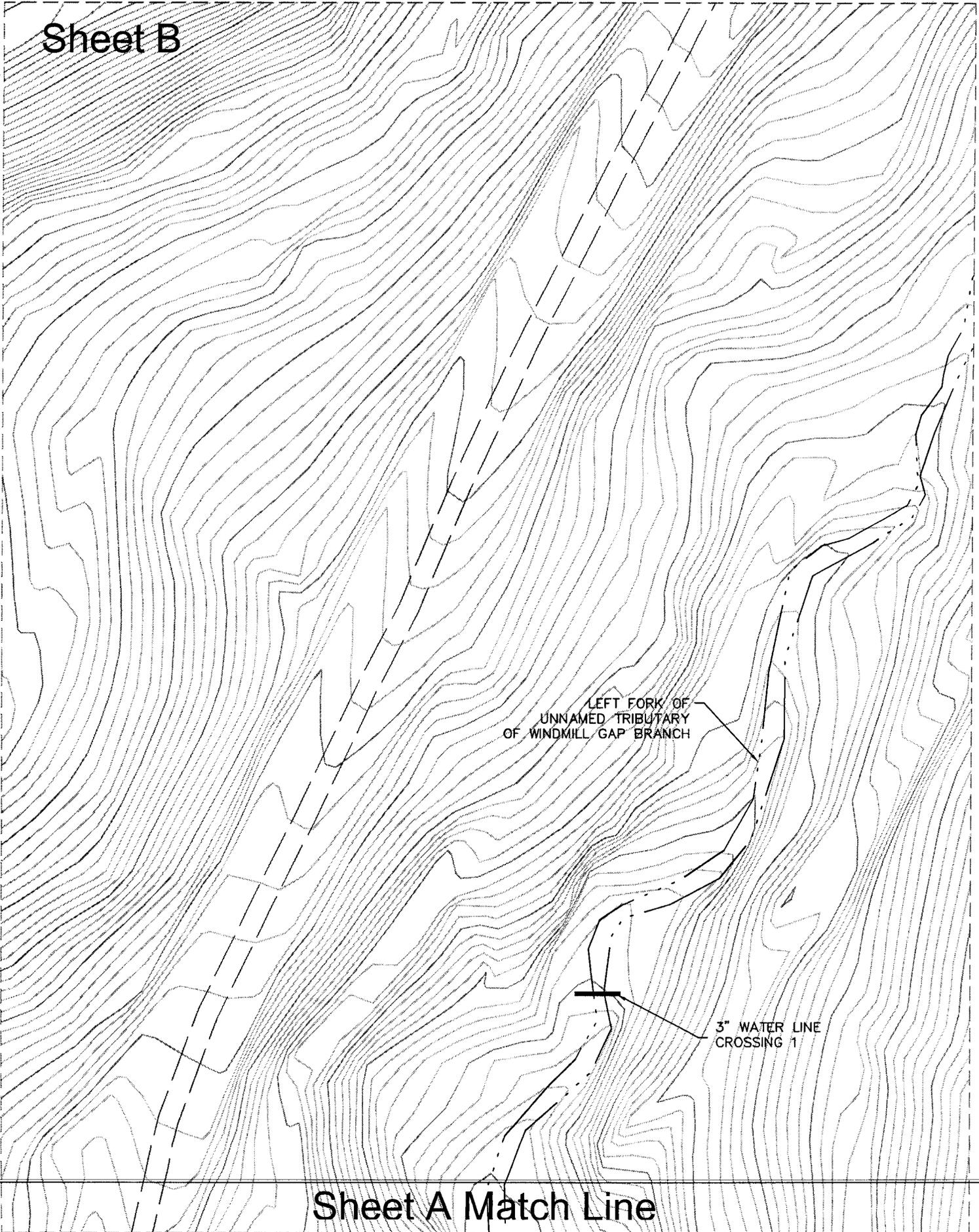


Figure 4 Sheet 1 Match Line

Sheet B



LEFT FORK OF  
UNNAMED TRIBUTARY  
OF WINDMILL GAP BRANCH

3" WATER LINE  
CROSSING 1

Sheet A Match Line

Figure 4

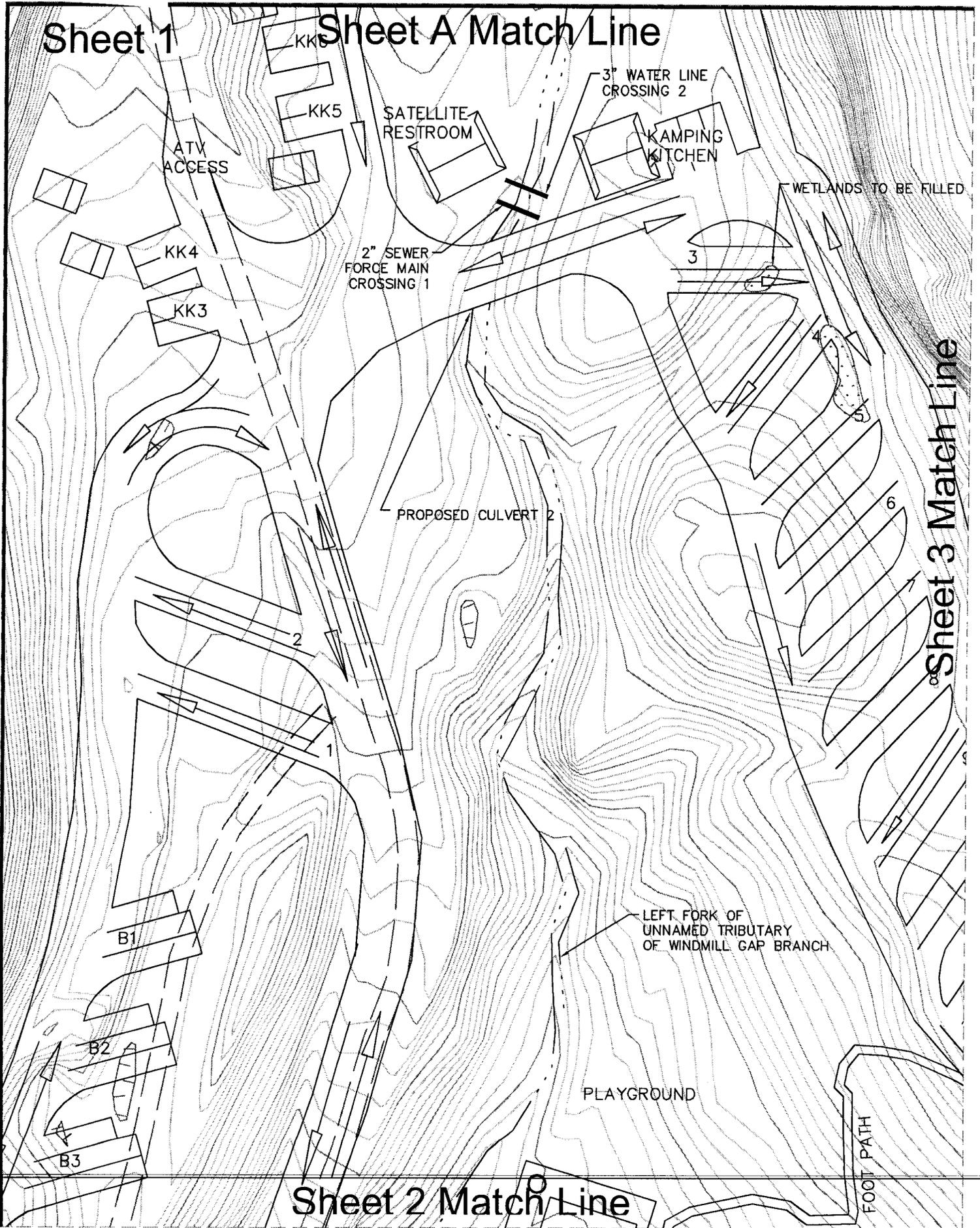


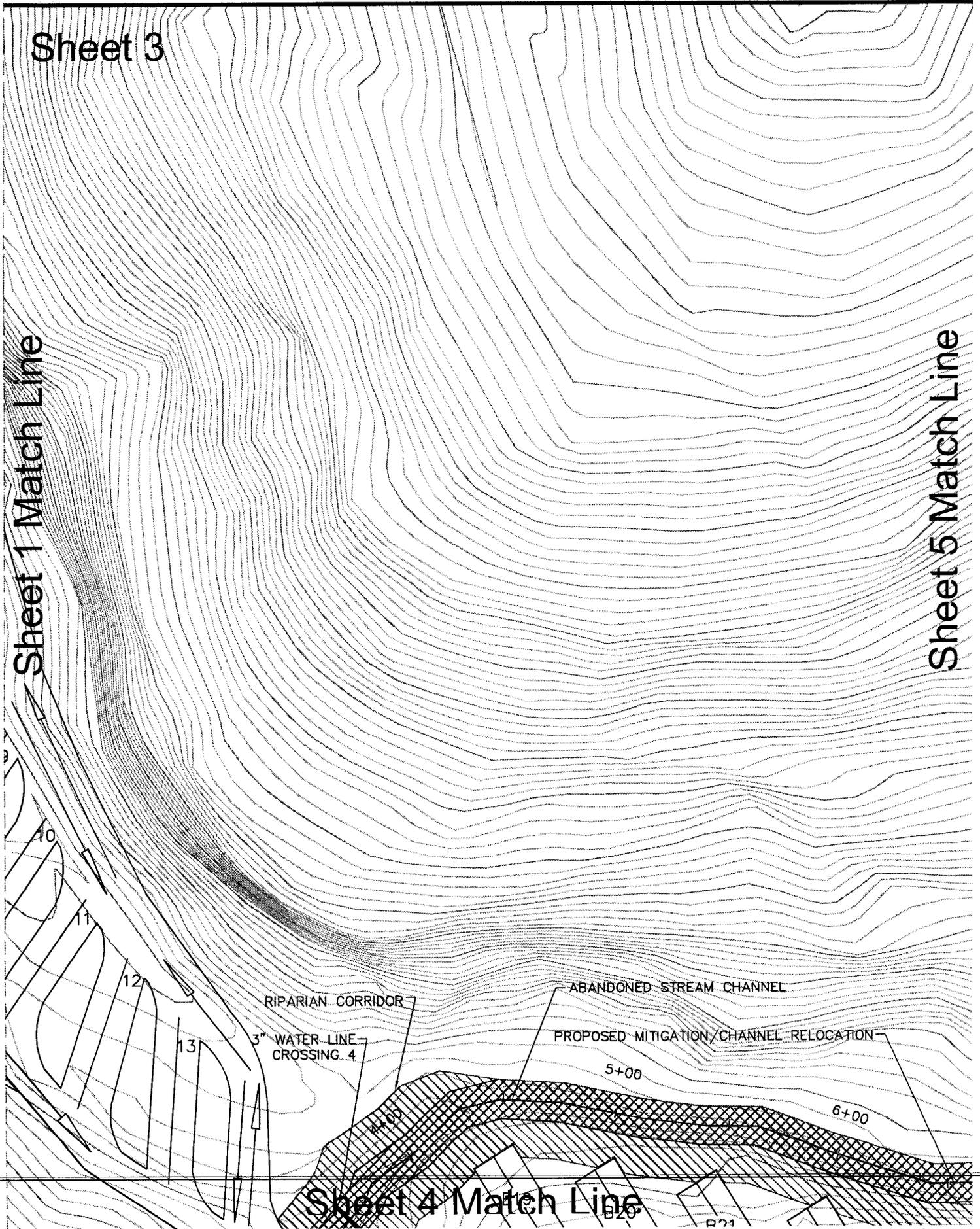


Figure 4

Sheet 3

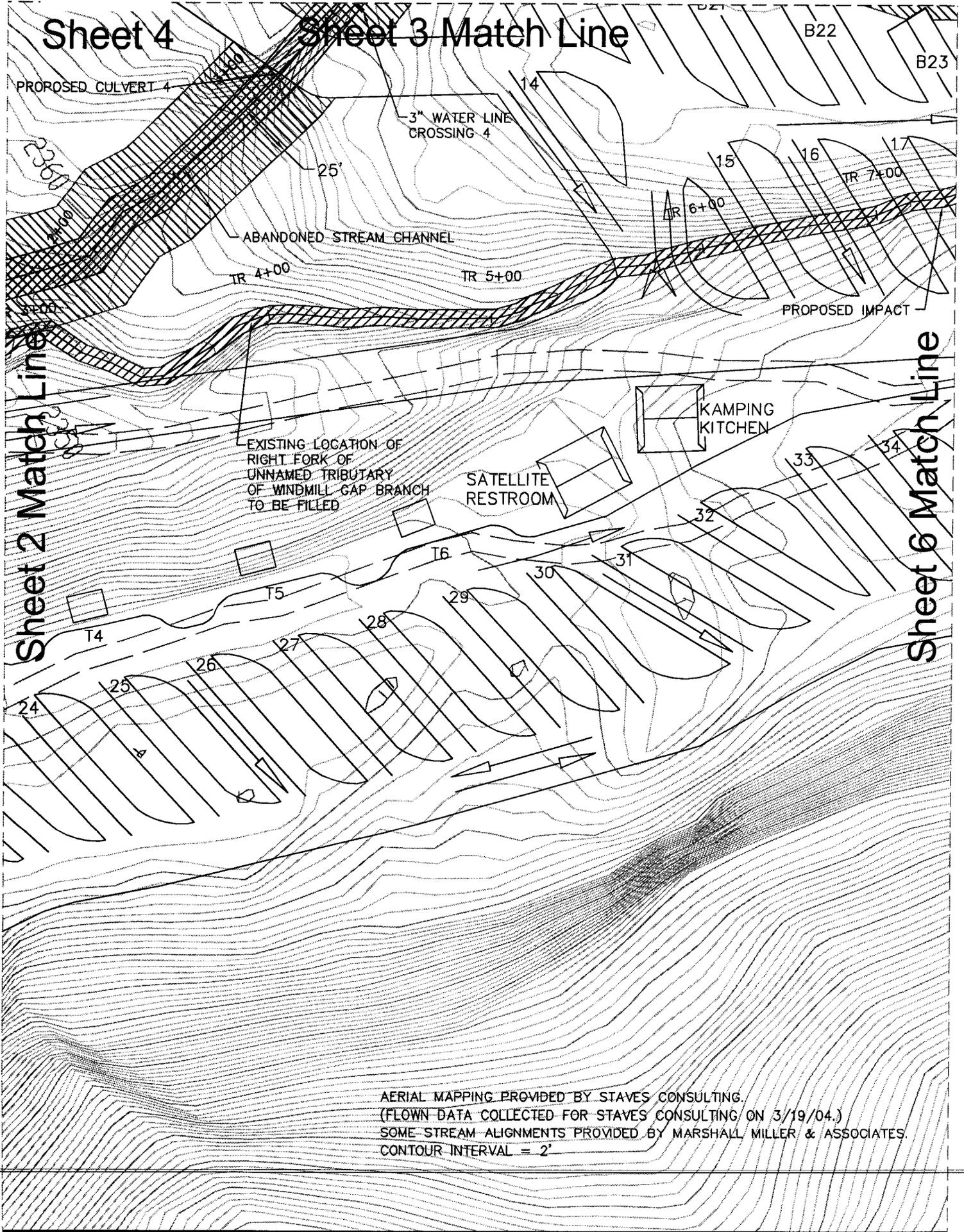
Sheet 1 Match Line

Sheet 5 Match Line



Sheet 4 Match Line

Figure 4



AERIAL MAPPING PROVIDED BY STAVES CONSULTING.  
(FLOWN DATA COLLECTED FOR STAVES CONSULTING ON 3/19/04.)  
SOME STREAM ALIGNMENTS PROVIDED BY MARSHALL MILLER & ASSOCIATES.  
CONTOUR INTERVAL = 2'

Figure 4

Sheet 5

Sheet 3 Match Line

Sheet 7 Match Line

PROPOSED MITIGATION/CHANNEL RELOCATION

ABANDONED STREAM CHANNEL

7+00

8+00

Sheet 6 Match Line

9+00

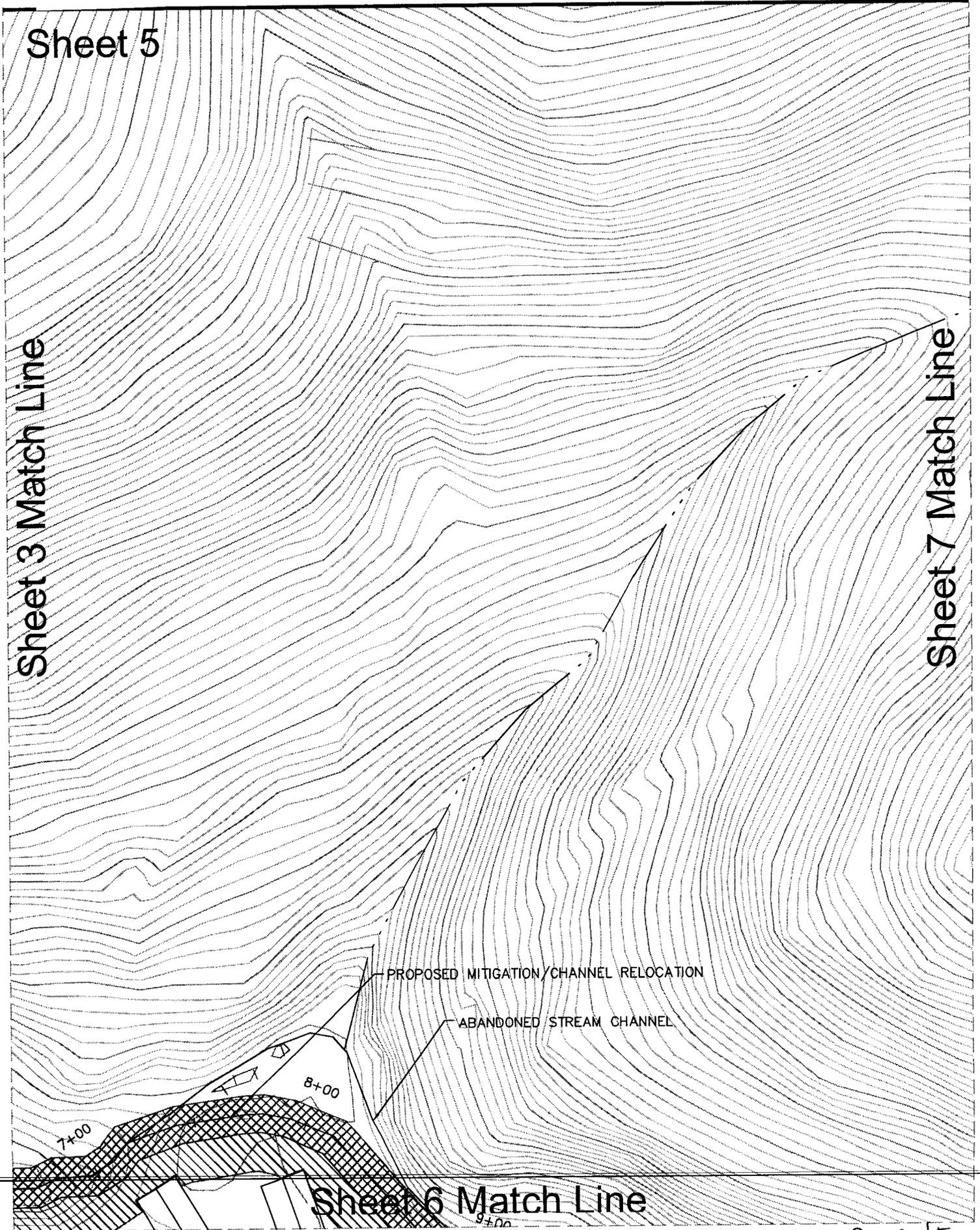


Figure 4

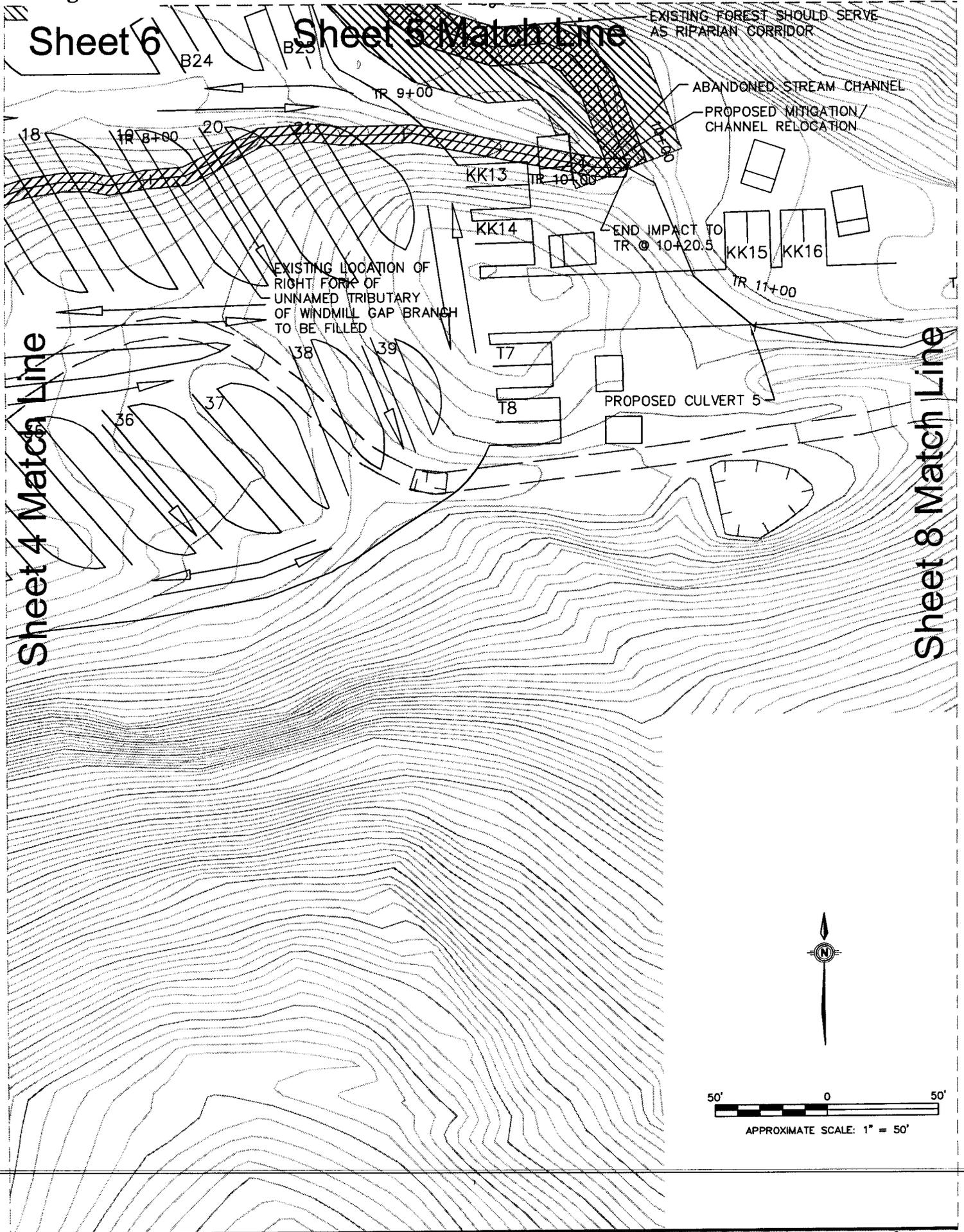
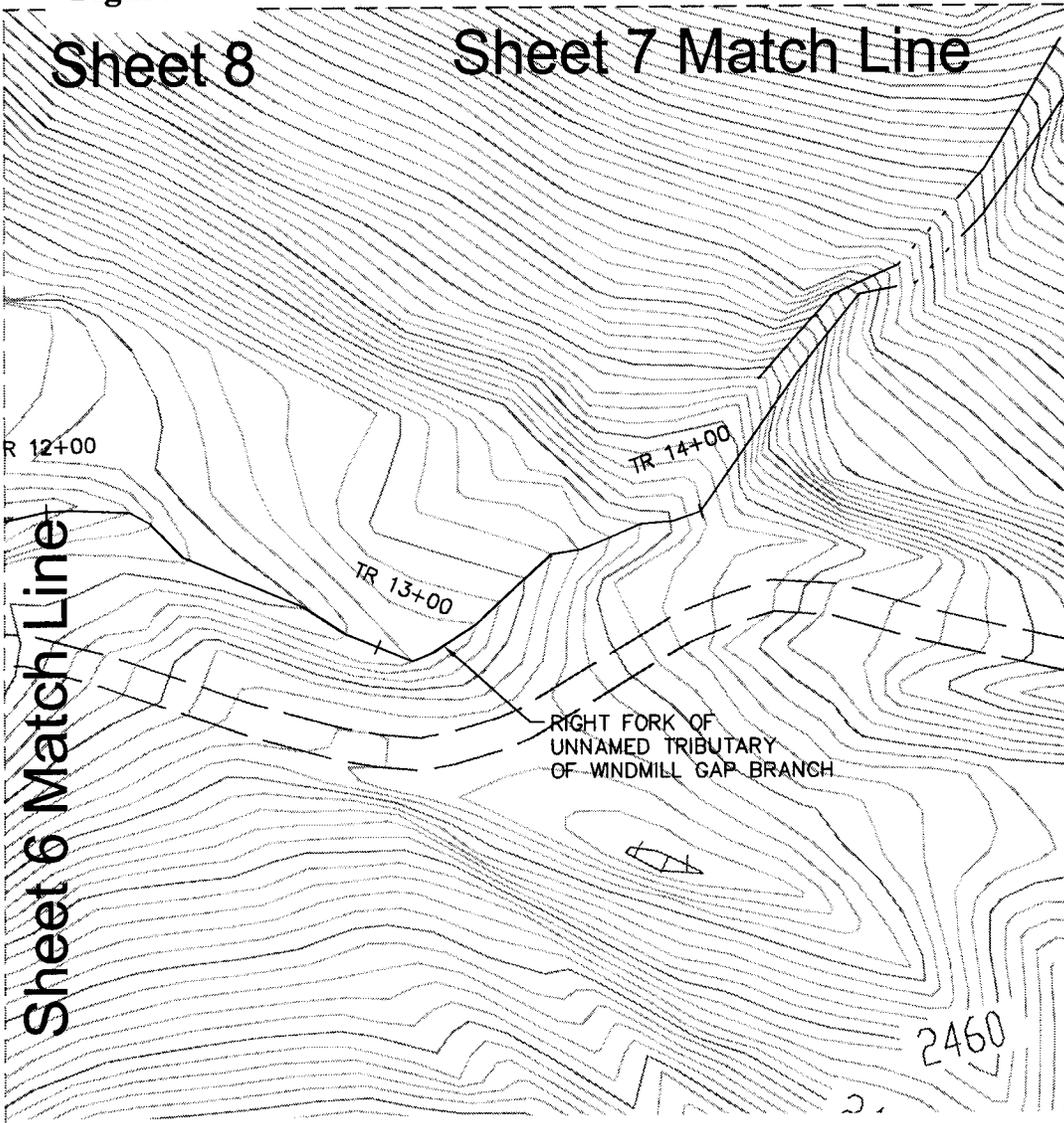


Figure 4

Sheet 8

Sheet 7 Match Line

Sheet 6 Match Line



**LEGEND**

-  - EXISTING MAJOR CONTOURS
-  - EXISTING MINOR CONTOURS
-  - STREAM ASSESSMENT SITE
-  - STREAM ALIGNMENT PROVIDED BY STAVES CONSULTING
-  - STREAM ALIGNMENT PROVIDED BY MM&A
- KK3 - KAMPING KABIN
- KOT3 - KAMPING KOTTAGE
- B3 - BACK-IN SITE
- 3 - PULL-THROUGH SITE
- T3 - TENT SITE
-  - EXISTING UNIMPROVED ROAD
-  - EXISTING PUBLIC ROAD
-  - PROPOSED LOCATIONS OF RELOCATED STREAM SEGMENTS
-  - PROPOSED STREAM SEGMENTS TO BE FILLED
-  - PROPOSED RIPARIAN CORRIDOR
-  - PROPOSED GRADING OF CHANNEL BANKS
-  - EXISTING WETLANDS

DESIGNED:	RHM
DRAWN:	JRR
CHECKED:	RHM
DATE:	07/01/05
SCALE:	1" = 50'
PROJECT NO.:	J27100
FILE NO.:	kcomitigation~mcp.dwg

**ASHLAND SCENIC CAMPGROUND, LLC.  
ASHLAND, WEST VIRGINIA**

**RIGHT FORK OF UNNAMED TRIBUTARY  
SEGMENT 1**

FIGURE

4



Figure 5

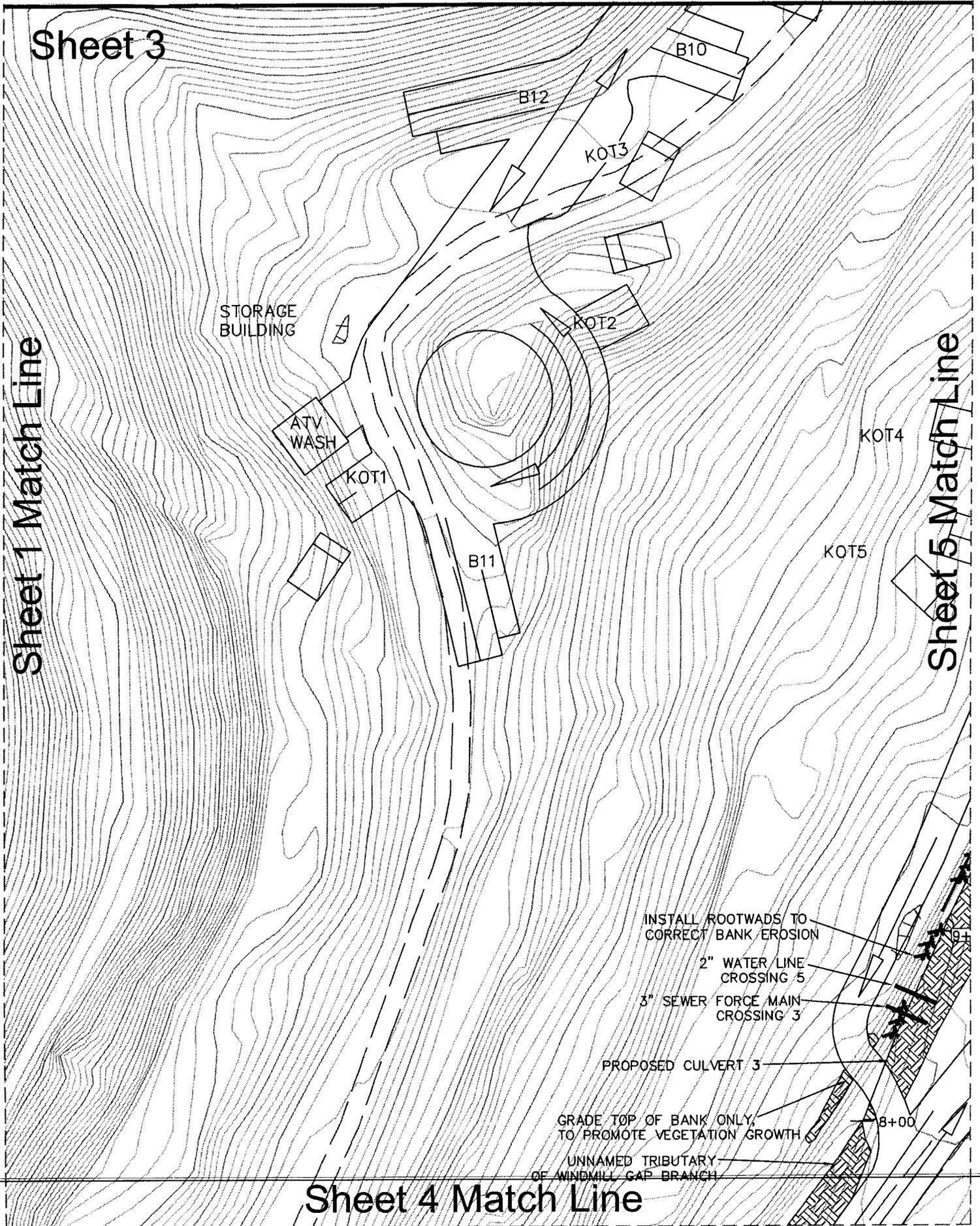


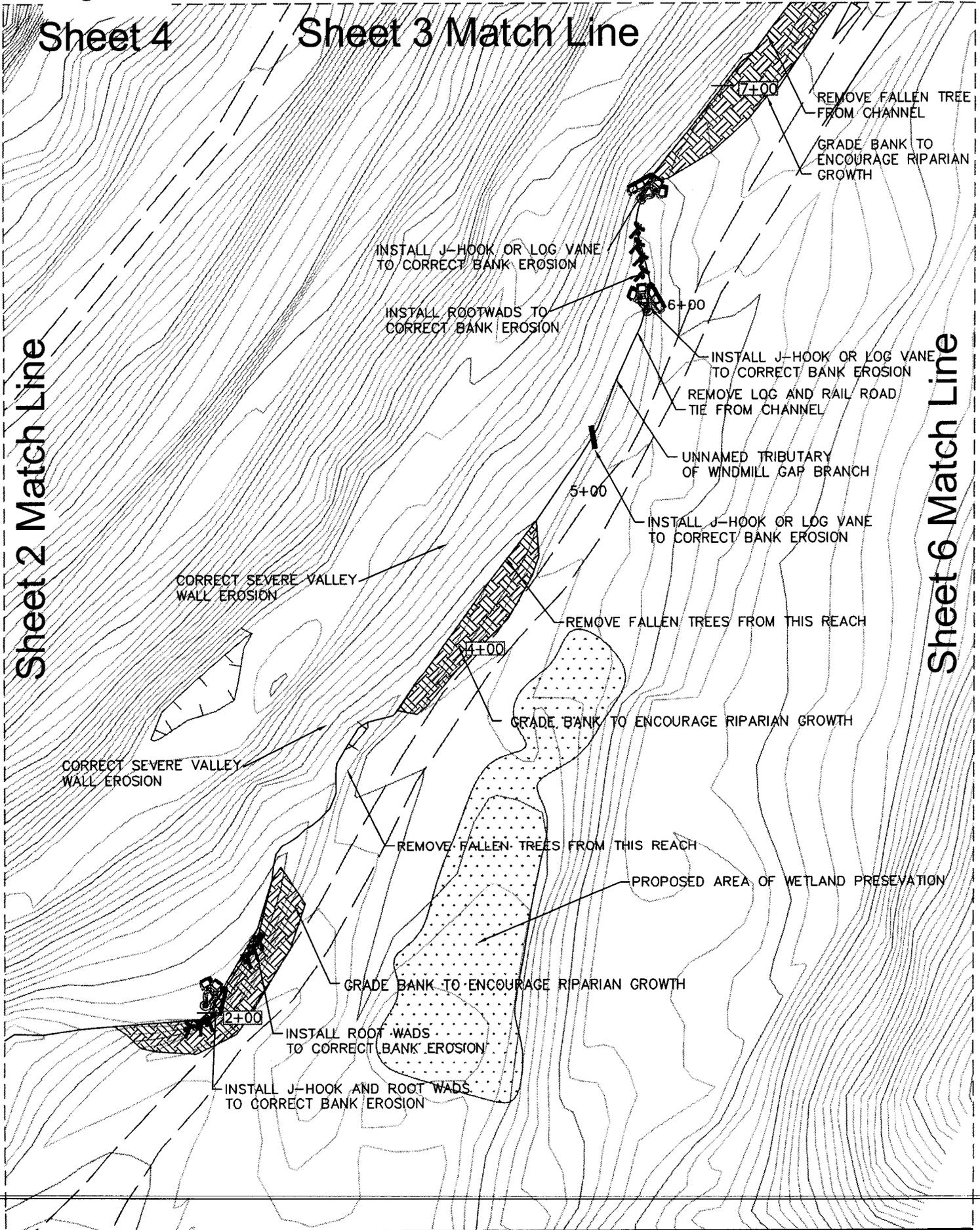
Figure 5

Sheet 4

Sheet 3 Match Line

Sheet 2 Match Line

Sheet 6 Match Line



REMOVE FALLEN TREE FROM CHANNEL

GRADE BANK TO ENCOURAGE RIPARIAN GROWTH

INSTALL J-HOOK OR LOG VANE TO CORRECT BANK EROSION

INSTALL ROOT WADS TO CORRECT BANK EROSION

INSTALL J-HOOK OR LOG VANE TO CORRECT BANK EROSION

REMOVE LOG AND RAIL ROAD TIE FROM CHANNEL

UNNAMED TRIBUTARY OF WINDMILL GAP BRANCH

INSTALL J-HOOK OR LOG VANE TO CORRECT BANK EROSION

CORRECT SEVERE VALLEY WALL EROSION

REMOVE FALLEN TREES FROM THIS REACH

GRADE BANK TO ENCOURAGE RIPARIAN GROWTH

CORRECT SEVERE VALLEY WALL EROSION

REMOVE FALLEN TREES FROM THIS REACH

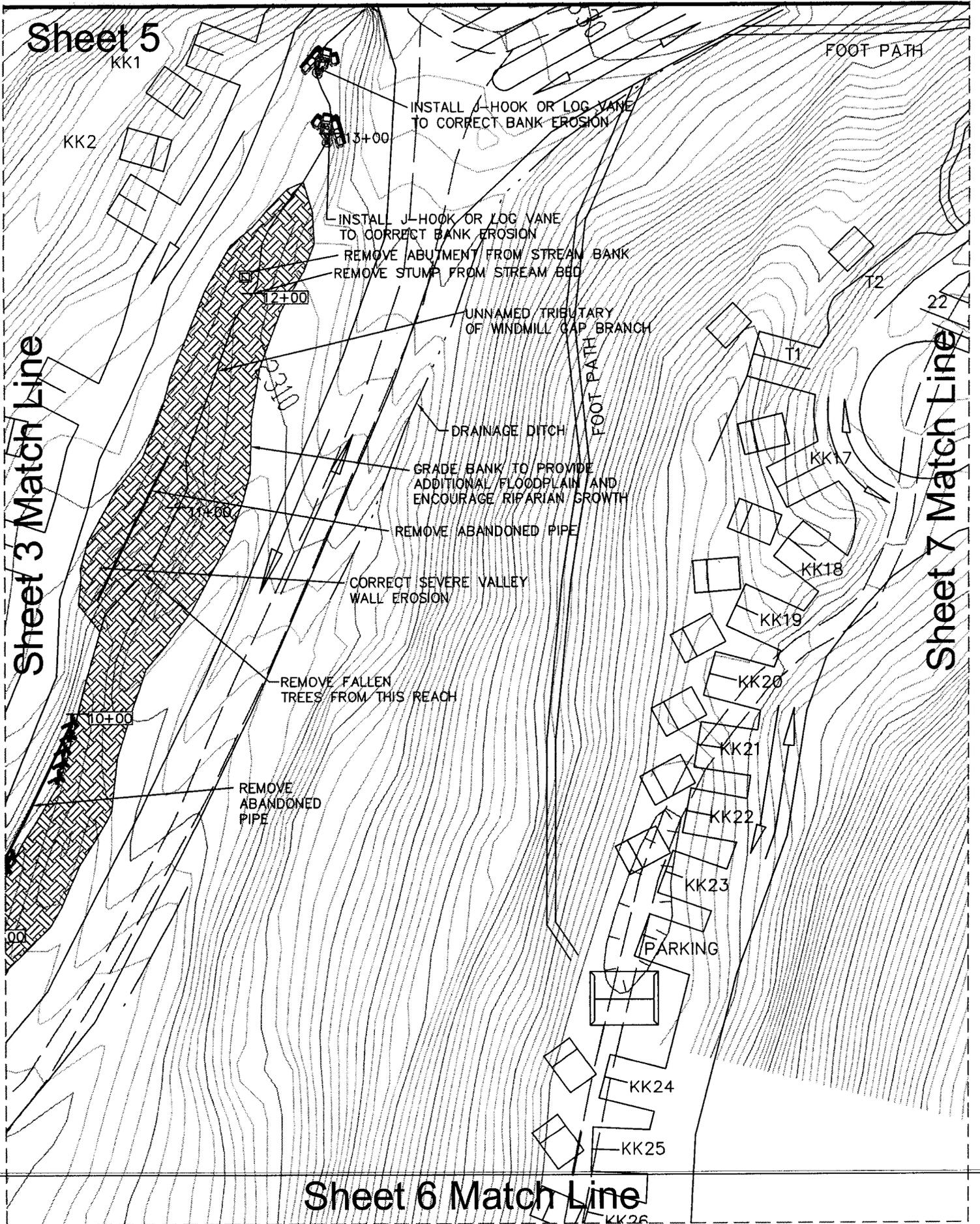
PROPOSED AREA OF WETLAND PRESERVATION

GRADE BANK TO ENCOURAGE RIPARIAN GROWTH

INSTALL ROOT WADS TO CORRECT BANK EROSION

INSTALL J-HOOK AND ROOT WADS TO CORRECT BANK EROSION

Figure 5



Sheet 5  
KK1

FOOT PATH

KK2

INSTALL J-HOOK OR LOG VANE TO CORRECT BANK EROSION

INSTALL J-HOOK OR LOG VANE TO CORRECT BANK EROSION

REMOVE ABUTMENT FROM STREAM BANK  
REMOVE STUMP FROM STREAM BED

UNNAMED TRIBUTARY OF WINDMILL GAP BRANCH

DRAINAGE DITCH

GRADE BANK TO PROVIDE ADDITIONAL FLOODPLAIN AND ENCOURAGE RIPARIAN GROWTH

REMOVE ABANDONED PIPE

CORRECT SEVERE VALLEY WALL EROSION

REMOVE FALLEN TREES FROM THIS REACH

REMOVE ABANDONED PIPE

Sheet 3 Match Line

Sheet 7 Match Line

Sheet 6 Match Line