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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. 200001190-1 Issuance Date: January 30, 2006

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Stream: Tug Fork

Closing Date:

March 1, 2006

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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 10 of the Rivers and Harbors Act of 1899.

**APPLICANT:** Mountain Dredging, Inc.  
Post Office Box 2303  
Paintsville, Kentucky 41240

**LOCATION:** The project is located in the Tug Fork, between 9.9-10.2 miles above the river's mouth, near Clifford, in Lawrence County, Kentucky.

**DESCRIPTION OF PROPOSED WORK:** The applicant requests authorization to renew a sand and coal Section 10 Rivers and Harbors Act of 1899 dredging permit that expired December 31, 2005. The applicant proposes to operate a sand and coal dredge at the above location. The proposal would include dredging of sand and coal from the riverbed at two sites totaling approximately 1,900 linear feet. The two sites would measure 700 linear feet and 1,200 linear feet and be separated by a distance of approximately 800 linear feet. The applicant would dredge one site at a time and process material at a central location between the two proposed dredge sites. The dredged would operation at least 25 feet from the Kentucky and West Virginia shorelines.

Material would be dredged from the riverbed with a suction cutter head dredge with an eight-inch pump. The material would then be pumped through an eight-inch floating line to an upland processing plant. Coal, sand, trash and debris would be removed from the dredged material. Sand and coal would be stockpiled at the site for eventual sale. Trash and debris would be temporarily stockpiled and eventually removed to an approved disposal site. Water would be routed through a settling pond and returned through a discharge pipe to the Tug Fork at a point between the two proposed dredged areas. Surface water runoff would be diverted to a settling pond by a series of dikes and ditches for the removal of suspended sediment before discharged back into the Tug Fork. The purpose of the project is to dredge sand and coal for retail sale. All point source discharges associated with the return water from the facility are under the jurisdiction of the Kentucky Department for Environmental Protection, Division of Water. Plans of the proposed work are attached to this notice. Any Department of the Army permit issued for this proposed project would remain valid for a period of five years.

**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. In previous correspondence dated November 15, 2000, the Kentucky Heritage Council (KHC) stated there are no historic properties present within the undertaking's area of potential impact. A copy of this public notice will be sent to the KCC 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 interests 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.

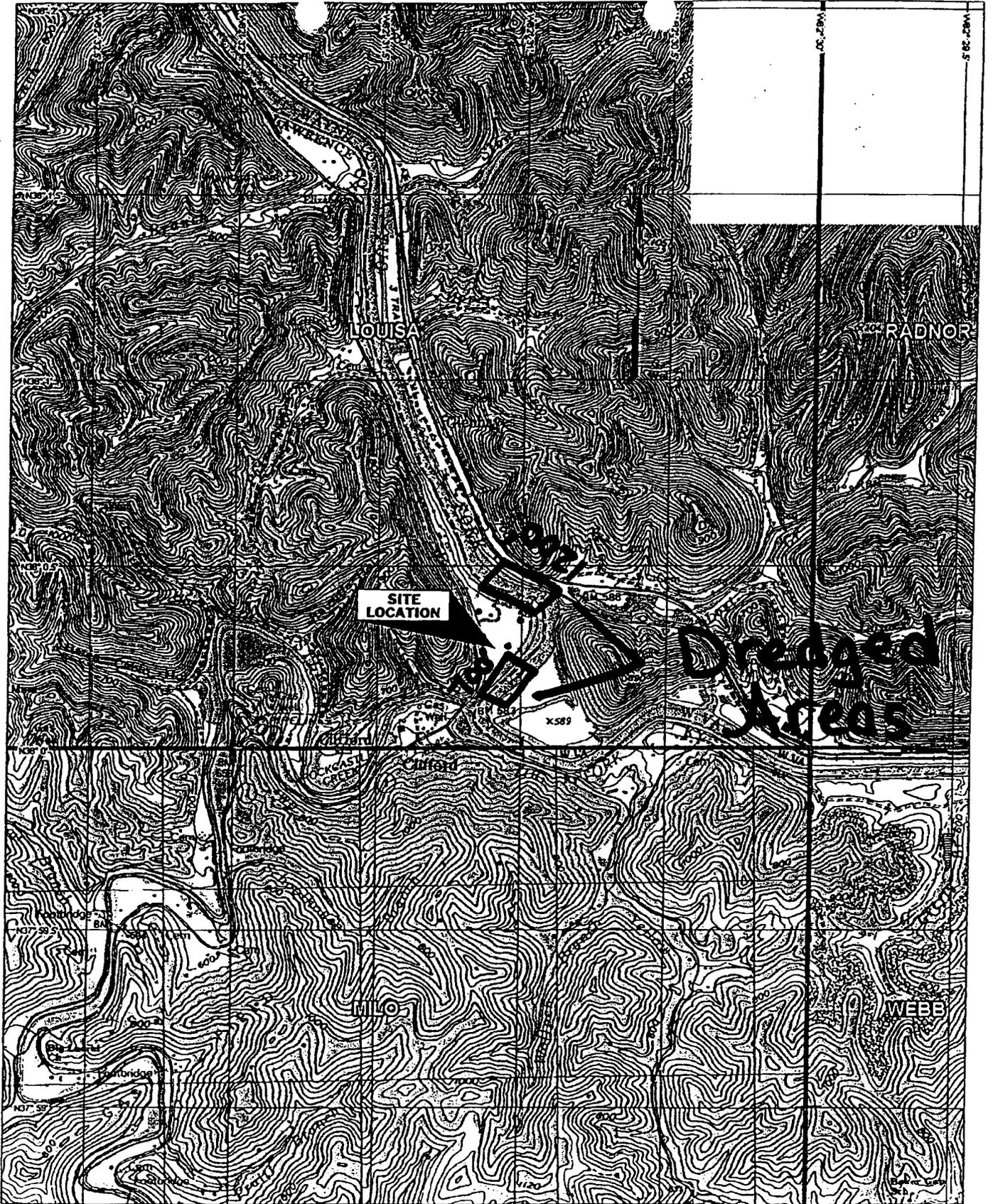
Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national 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 Mrs. Teresa Spagna, 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 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 Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.

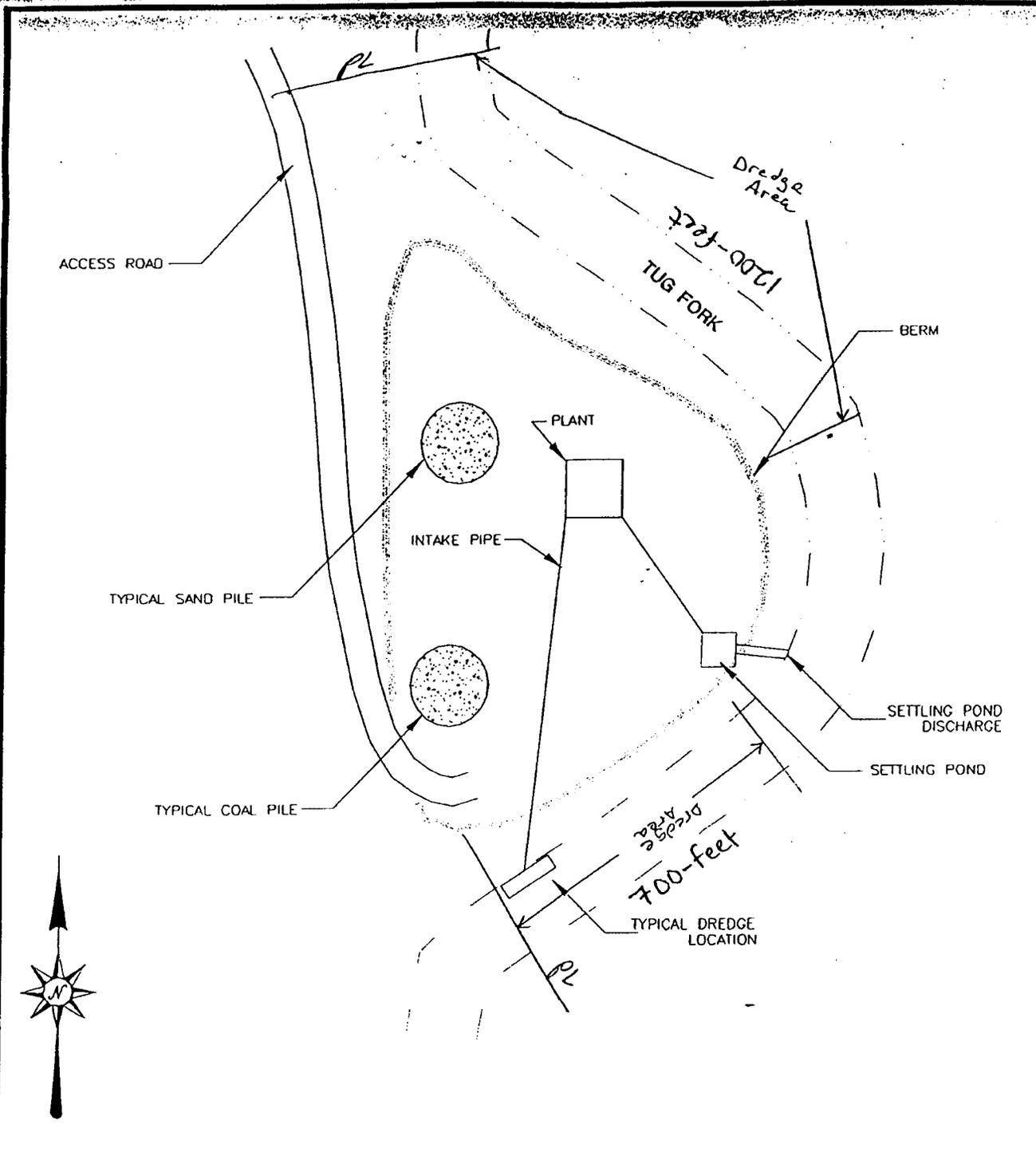
  
Ginger Mullins, Chief  
Regulatory Branch

(W, KY)



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# Mountain Dredging, Inc.



Prepared by:



ENGINEERS & CONSULTANTS, INC.

P.O. Box 279 Louisa, VA 41230  
(606) 673-4413

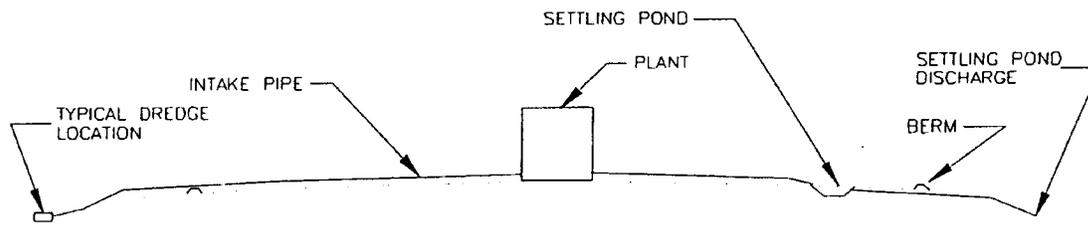
P.O. Box: 470 Alum Creek, WV 25003  
(304) 756-4066

MOUNTAIN DREDGING, INC.  
TUG FORK OF BIG SANDY RIVER

NOT TO SCALE

SITE PLAN

File Name: SITE.DWG



Prepared by:



ENGINEERS & CONSULTANTS, INC.

P.O. Box 279 Louisa, KY 41230  
(606) 673-4413

P.O. Box 470 Alum Creek, WV 25003  
(304) 756-4066

MOUNTAIN DREDGING, INC.  
TUG FORK OF BIG SANDY RIVER

NOT TO SCALE

INTAKE TO DISCHARGE PROFILE

File Name: SDE.DWG