



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

Public Notice

In reply refer to Public Notice No.

200401562

Issuance Date:

21 February 2006

Stream:

Ohio River, rivermile 268.8 to 269.2

Closing Date:

13 March 2006

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

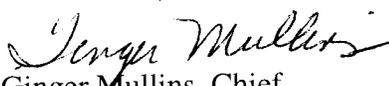
Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

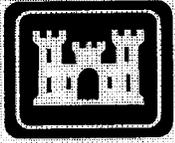
PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

TO WHOM IT MAY CONCERN: The attached Public Notice concerning Superior Marine's proposal to construct a new barge fleeting facility near Point Pleasant, Mason County West Virginia was originally advertised on March 7, 2005 and expired on April 6, 2005. It has come to our attention this Public Notice was not fully distributed to those on the mailing list. As a result, the attached Public Notice is being readvertised to ensure its full distribution to solicit proper public and agency comment.

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

(WV)



Public Notice

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

In reply refer to Public Notice No.
200401562

Issuance Date:
March 7, 2005

Stream:

Closing Date:
April 6, 2005

Ohio River, rivermile 268.8 to 269.2

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

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.

APPLICANT: Superior Marine Ways, Inc.
Po Box 514
South Point, Ohio 45680

LOCATION: The proposed project is located along the left descending bank of the Ohio River, rivermile 268.8 to 269.2, south of Point Pleasant, Mason County, West Virginia.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to construct and perform topside cleaning of barges at a proposed 54-barge capacity fleeting facility. The proposal would include the installation of four mooring structures and four concrete deadmen structures. Barges would be moored six wide and nine barges long within a 210' X 2053' area. There would be no anticipated dredging associated with the project. The mooring structures would be situated approximately 25' to 50' from the normal pool shoreline. The fleet would extend 210 feet from the riverward face of the mooring structures.

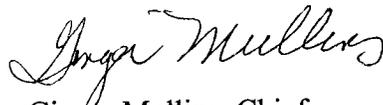
HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the SHPO for their review. 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).

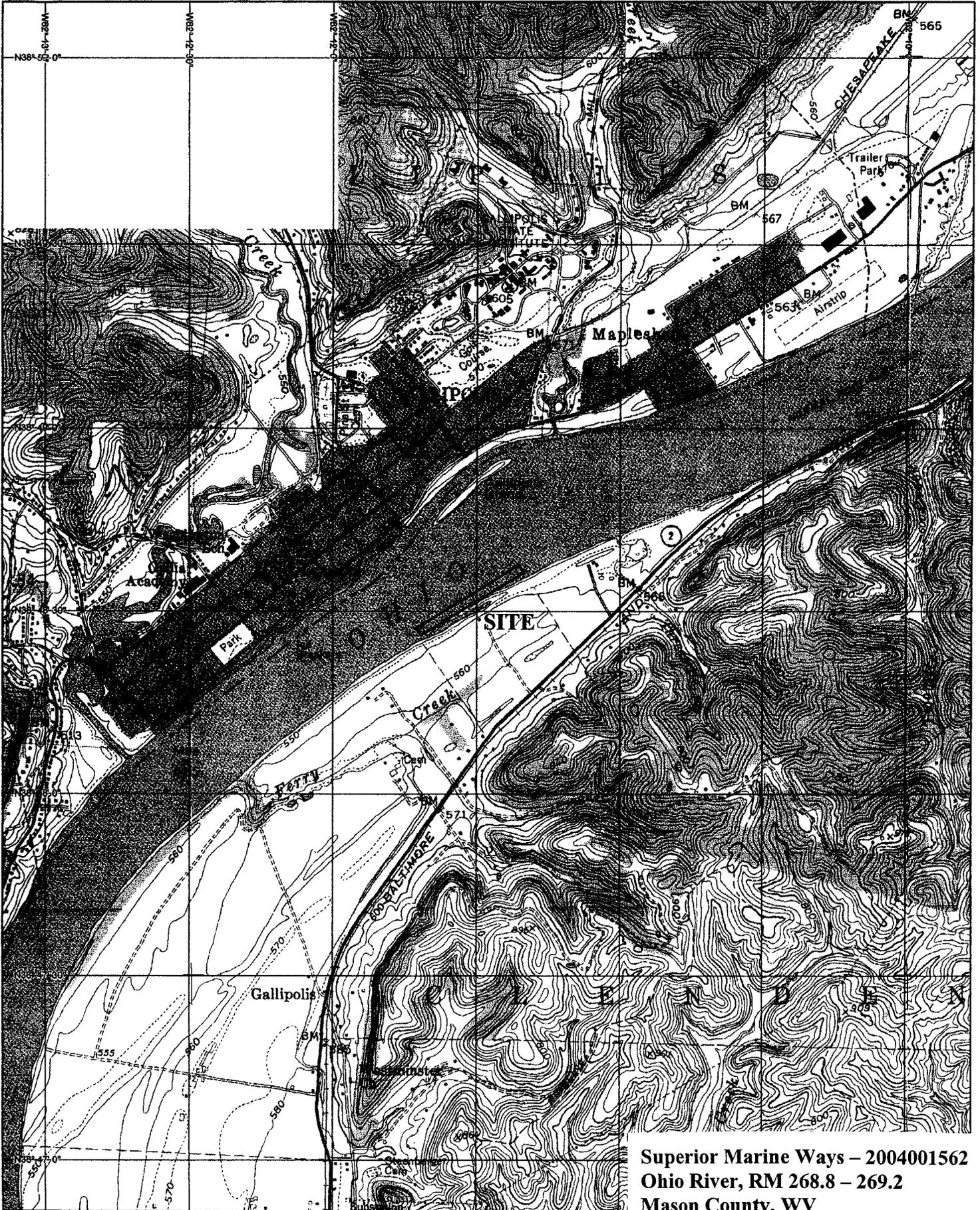
PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the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

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Ginger Mullins, Chief
Regulatory Branch

(WV)



Superior Marine Ways – 2004001562
Ohio River, RM 268.8 – 269.2
Mason County, WV
Location Map, Sheet 1 of 3

Ohio River

SAILING LINE

Mile 268.8

500'

150'

210'

Mile
+
269

PROJECT POOL
Robert C. Byrd Dam
Elev: 538.0

1758'

PROPOSED FLEETING

Normal Pool

Proposed Deadman

Proposed Deadman

Proposed Mooring Structure

321
25

Robert Arrington Moore
Will Book 15, Page 477

Proposed Deadman

Proposed Mooring Structure

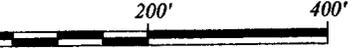
Proposed Mooring Structure

Proposed Mooring Structure

Proposed Deadman

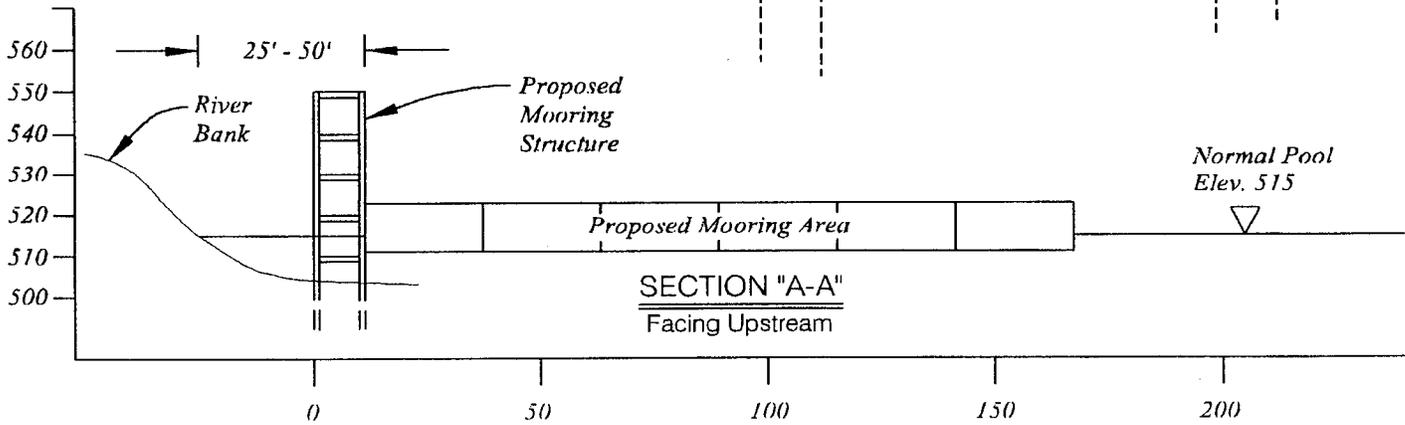
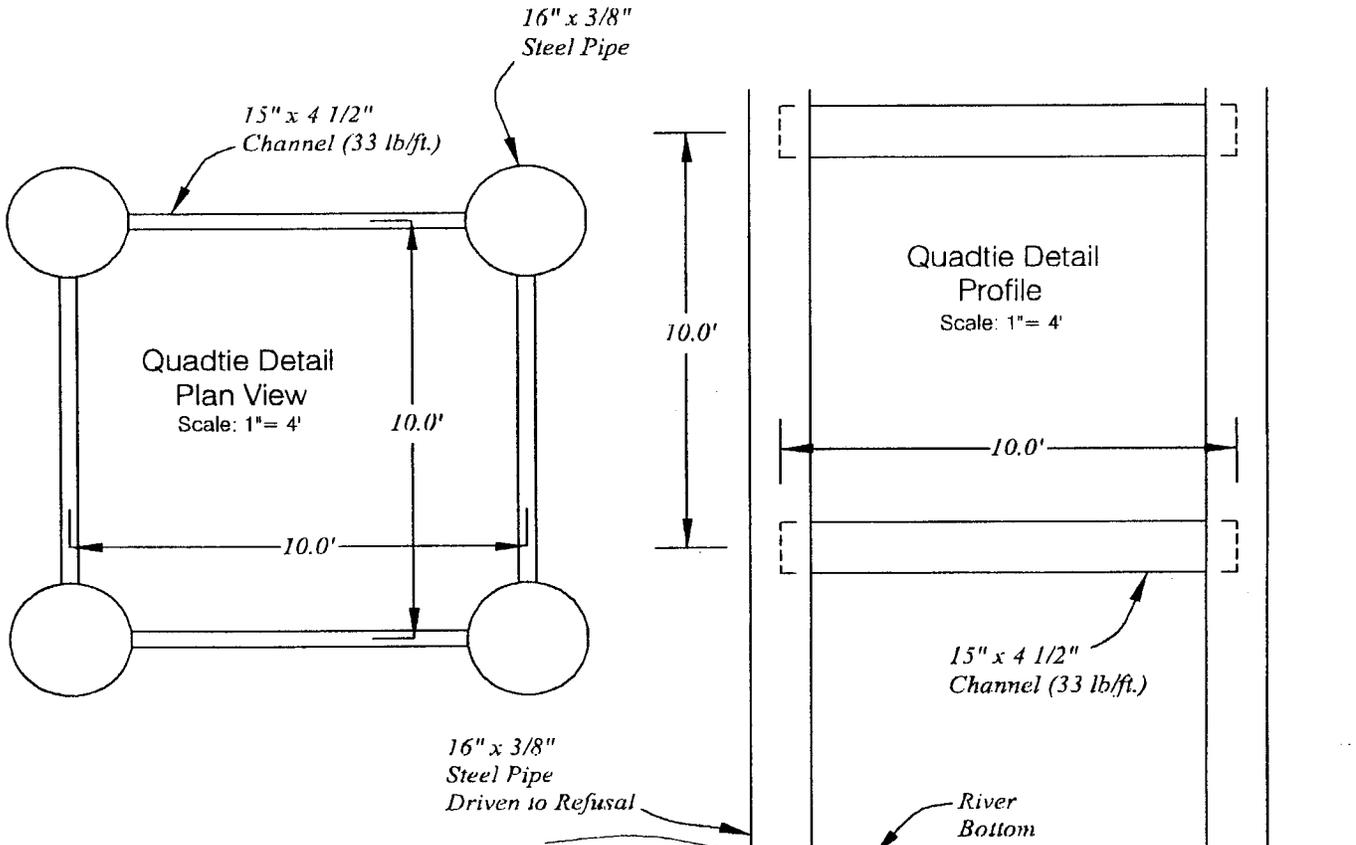
145'

Mile 269.2



Proposed Fleeting Exhibit for

Superior Marine Ways - 2004001562
Ohio River, RM 268.8 - 269.2
Mason County, WV
Plan View, Sheet 2 of 3



Project No : 04-249
 File Name : exhibit1.dwg
 Issue Date : Jan., 2005
 REVISIONS

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Superior Marine Ways - 2004001562
Ohio River, RM 268.8 - 269.2
Mason County, WV
Typical Cross Section, Sheet 3 of 3