Public Notice

U S Army USACE
of Engineers
Huntington District

In reply refer to Public Notice No. 200501184 | Issuance Date: February 22, 2006

Stream: UT Hurricane Creek | Closing Date: March 24, 2006

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: Wal-Mart Stores, Inc
2001 Southeast Tenth Street
Bentonville, Arkansas 72716

LOCATION: The proposed project is located in unnamed tributary to Hurricane Creek, near Hurricane, in Putnam County, West Virginia.

DESCRIPTION: The applicant proposes to place fill material in conjunction with development of a new Wal-Mart Supercenter facility. Approximately 318 linear feet of stream is proposed to be filled, of which 150 linear feet is ephemeral and 168 linear feet is intermittent. A 1.34 acre pond and 0.23 acre of emergent wetland fringe is also proposed to be filled for construction. The applicant purposes to place a total of 13,170 cubic yards of material in waters of the United States (U.S.).

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 alternative analysis has been submitted and is under review.

COMPENSATORY MITIGATION PLAN: To compensate for impacts to waters of the U.S., the applicant has purposed a conceptual mitigation plan that involves working with the West Virginia Department of Natural Resources (WVDNR) to improve wetland areas located at Greenbottom, Mason County, West Virginia. This area is currently owned and managed by the state.

Plans of the proposed work are attached to this notice.

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.

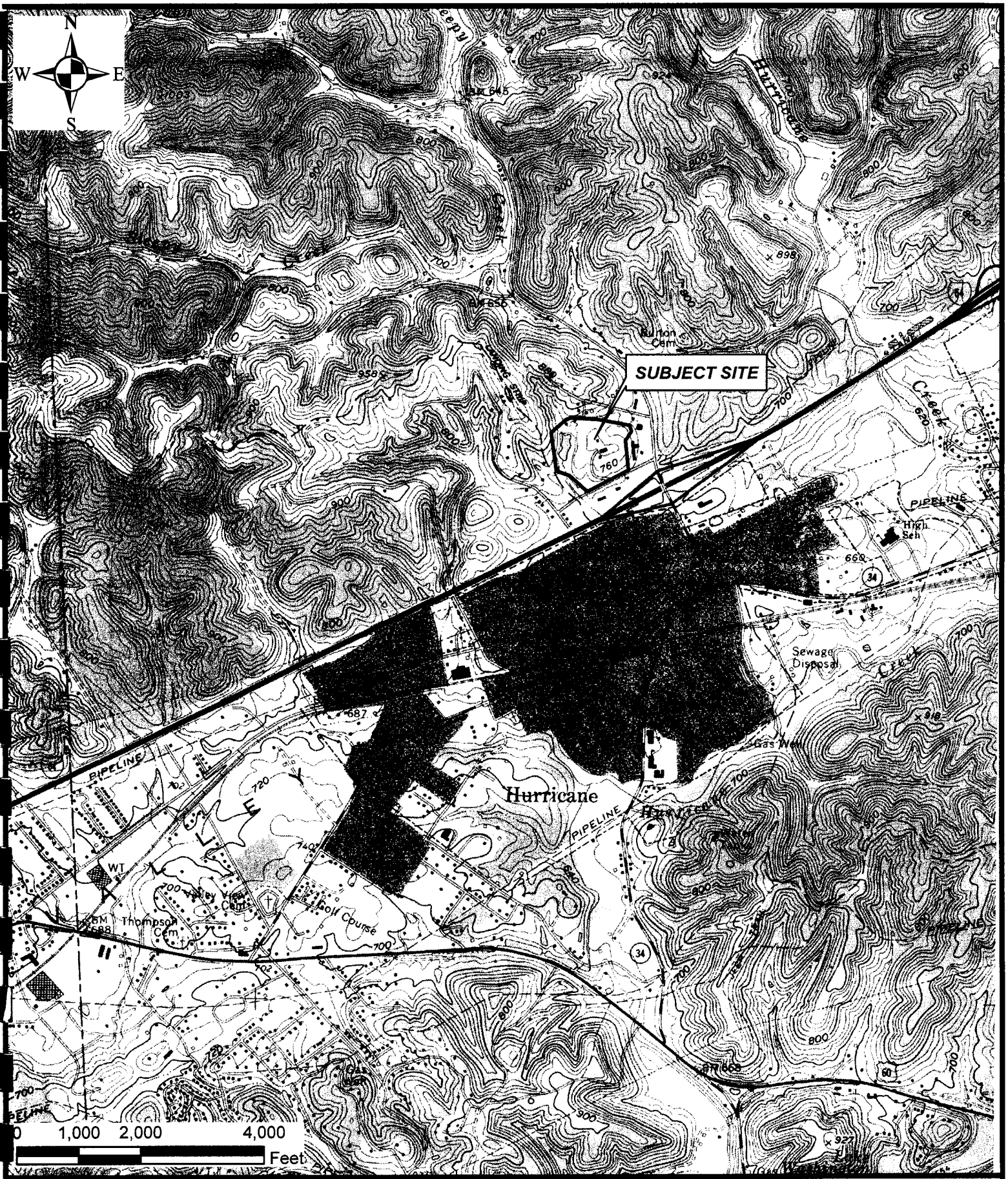
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 2005001184
502 Eighth Street
Huntington, West Virginia 25701-2070

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

Ginger Mullins, Chief
Regulatory Branch

(W)

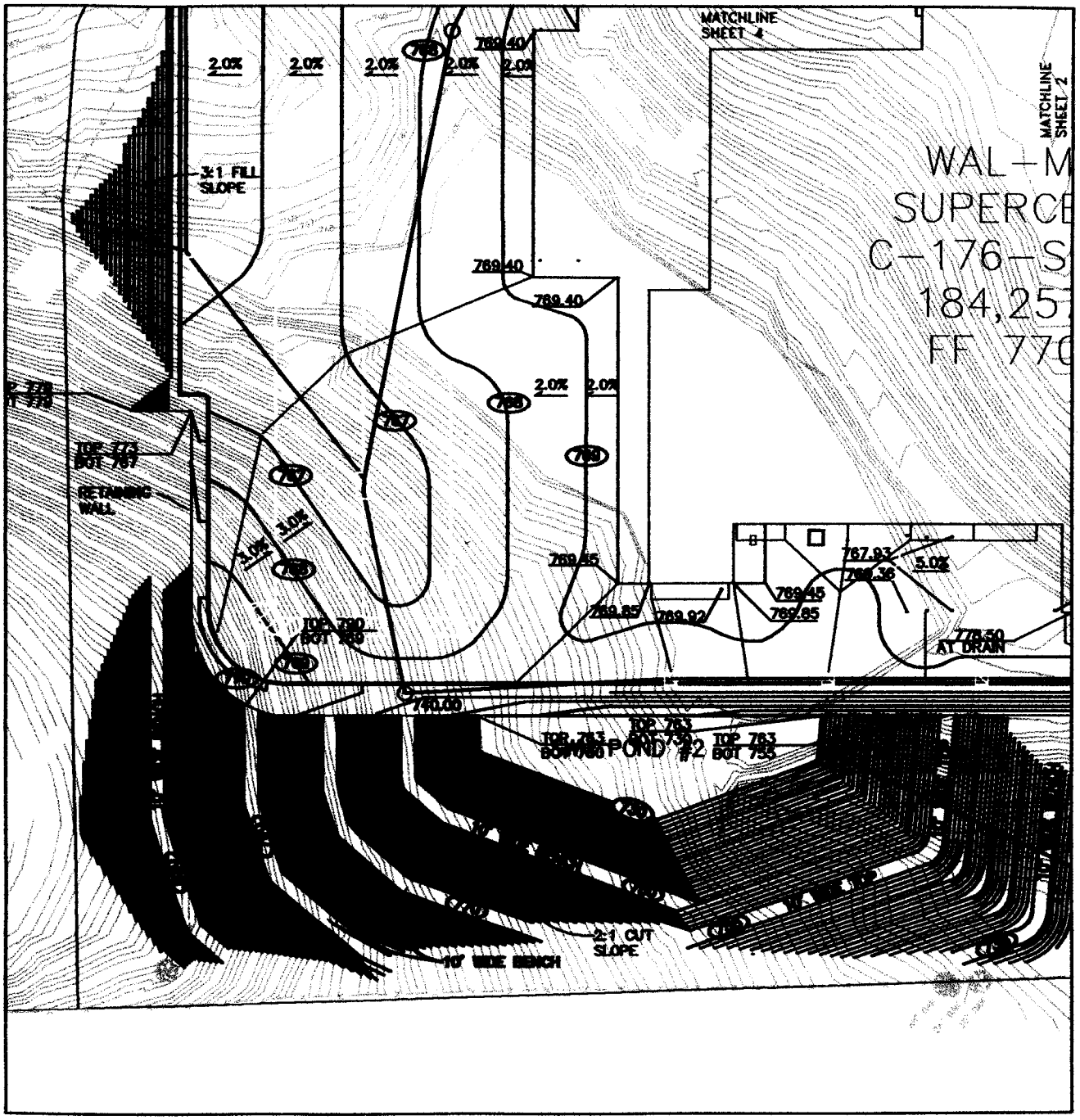


POTESTA
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

SCALE: 1" = 2000'
DATE: NOVEMBER 2005
PROJECT NO.: 0101-05-0254
DRAWN: RWR
G:\GIS\Projects

Title

Freeland and Kauffman, Inc.
Proposed Hurricane Wal-Mart
Hurricane, WV



POTESTA

Potesta & Associates, Inc.

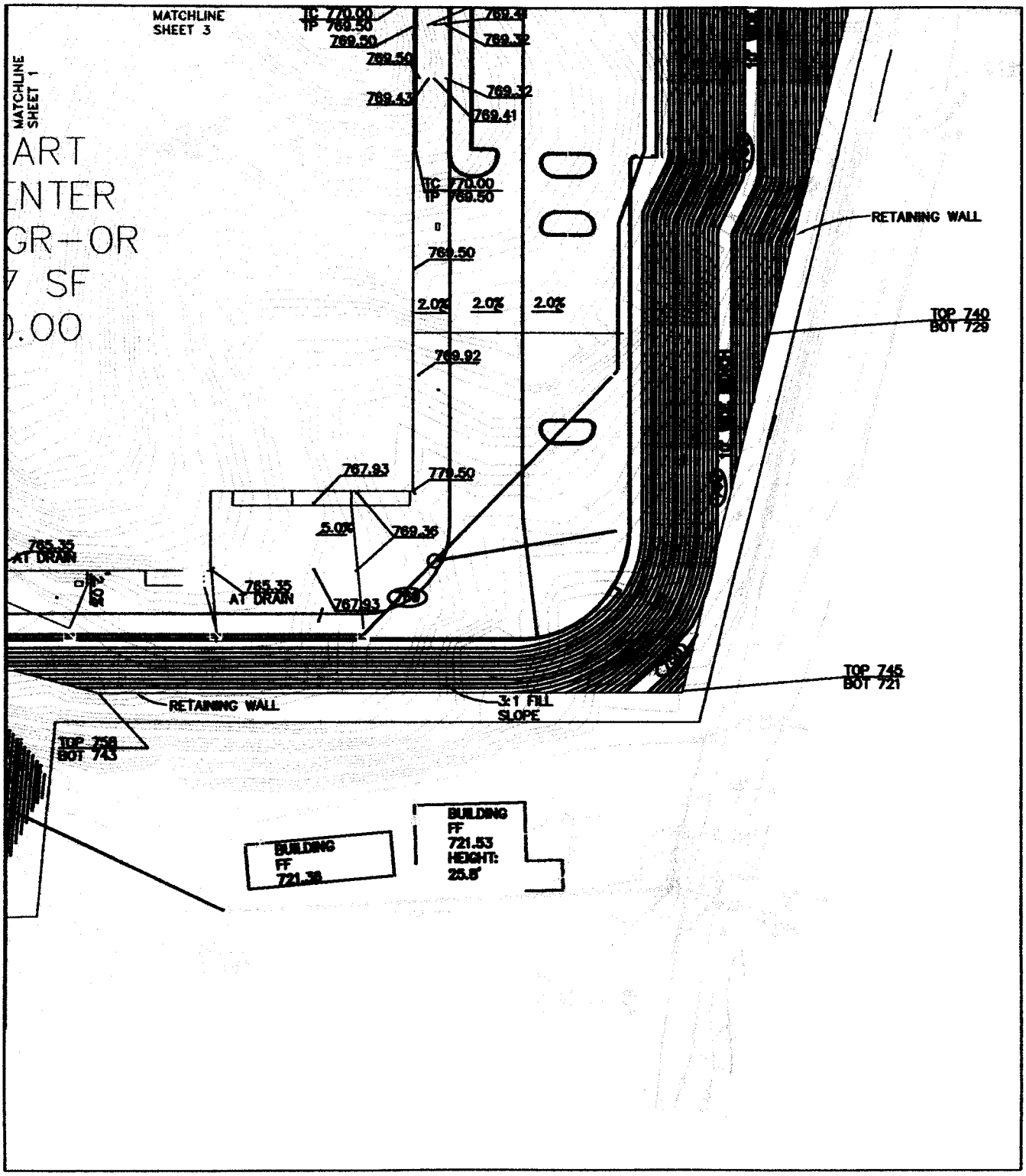
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
E-Mail Address: potesta@potesta.com

Project
WAL-MART STORE #4277-00
HURRICANE, WEST VIRGINIA
GRADING PLAN

Scale 1" : 100'	Dwg. No. FIGURE 1
Date JAN. 2006	

Plotted By: BELeedy
Plotted: Jan 13, 2006 - 2:05pm



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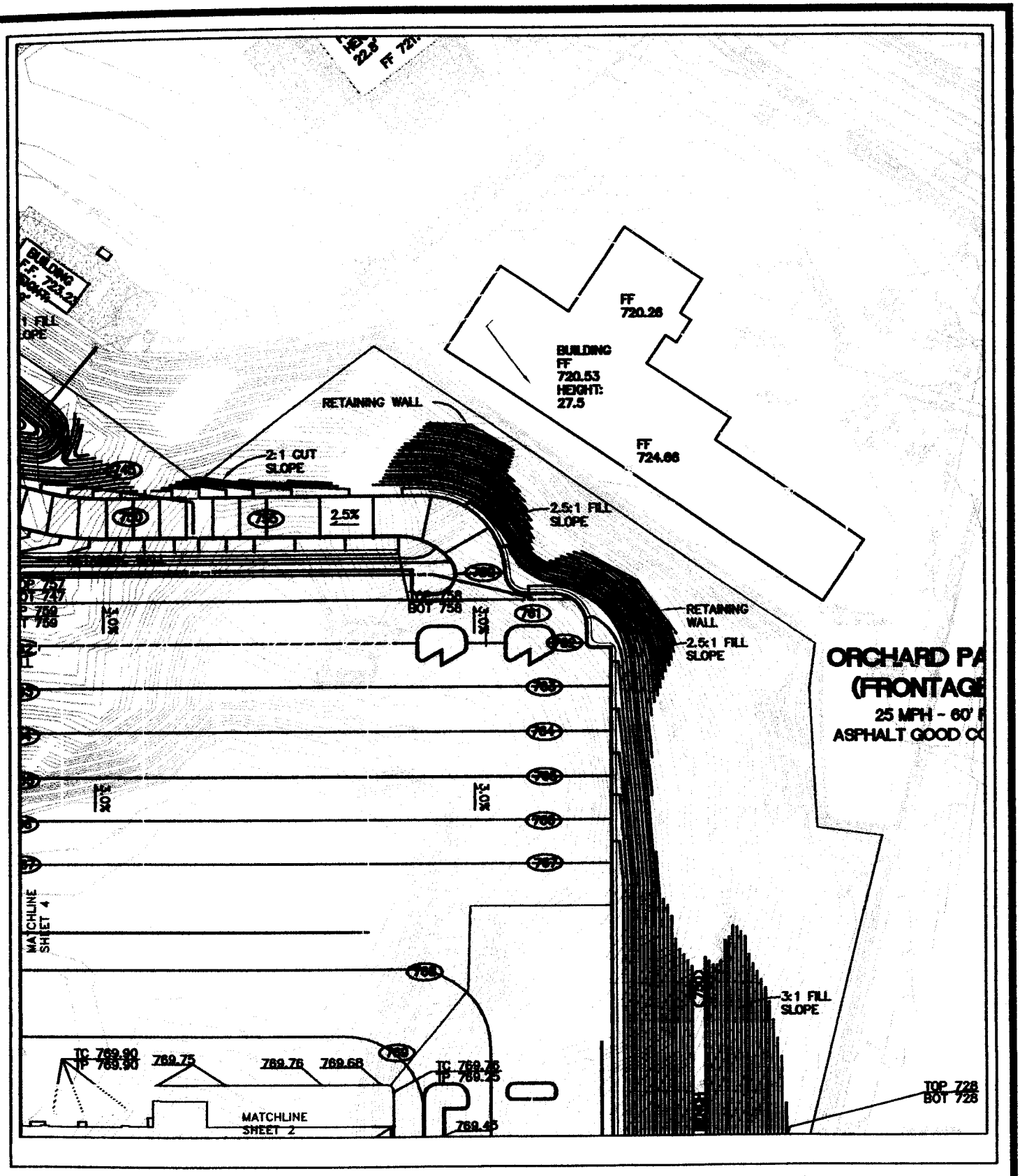
Scale 1" : 100'
Date JAN. 2006
Dwg. No. FIGURE 2



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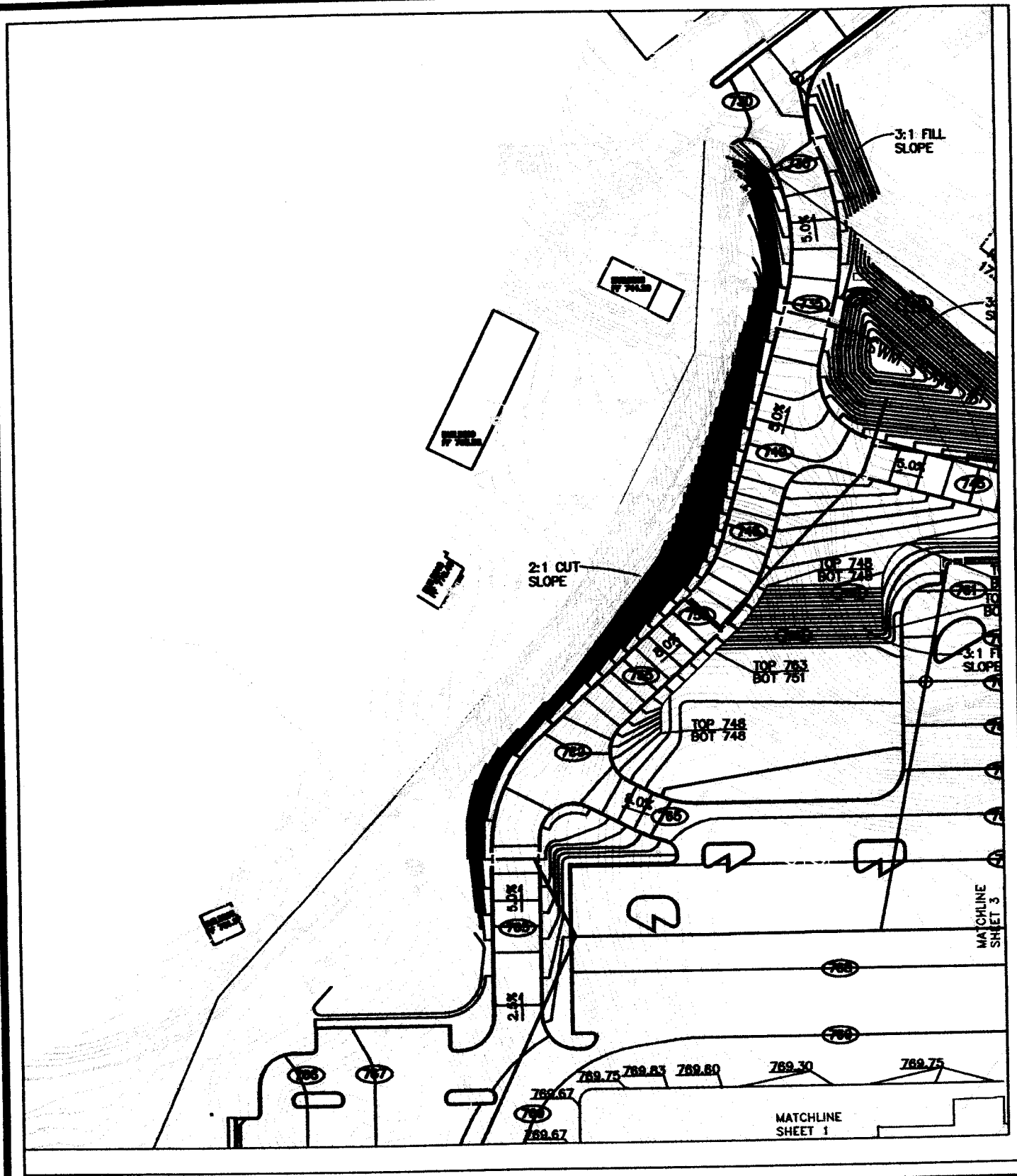
Scale 1" : 100'

Date JAN. 2006

Dwg. No.

FIGURE 3

Plotting Date/Time: Jan 13, 2006 - 2:07pm
Plotted By: BELeedy



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GRADING PLAN

Scale 1" : 100'	Dwg. No. FIGURE 4
Date JAN. 2006	