



Public Notice

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

In reply refer to Public Notice No.

200600140

Issuance Date:

April 17, 2006

Stream:

Kanawha River, rivermile 65.5

Closing Date:

May 16, 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.

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 and Section 404 of the Clean Water Act.

APPLICANT: Mr. George E. Carr
Box 63, Gapview Drive
Charleston, WV 25306

LOCATION: The proposed project is located along the right descending bank of the Kanawha River, rivermile 65.5 near Rand, Kanawha County, West Virginia.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to construct and operate a gravel unloading dock. The proposal would include the construction of a steel sheet pile enclosure measuring approximately 35' along the riverward face and extending approximately 15' riverward from the normal pool shoreline. The enclosure would be filled with sand and gravel and capped with concrete. Approximately 1,500 to 1,700 cubic yards of material would be utilized. A 10' x 12' steel hopper with conveyor would be placed immediately downstream of the dock. The dock would be used to unload gravel from the river. The gravel would then be conveyed to the top of the bank, loaded into trucks and hauled to designated locations. Additionally, a road would be constructed from the top of bank to the dock. The applicant estimates an area 20' x 200' x 3' deep immediately riverward of the proposed dock would require dredging. Approximately 450 cubic yards of material would be dredged and disposed in a quarry located on Gap View Drive, Charleston, West Virginia as shown on the attached map, Sheet 2. The applicant has indicated maintenance dredging would be required for operation of the dock facility.

The permittee is responsible for submitting an updated Facility Operating Plan (FOP) in accordance with the "Guidelines for Preparation of a Facility Operating Plan" (attached), within 30 days of completion of construction

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. 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

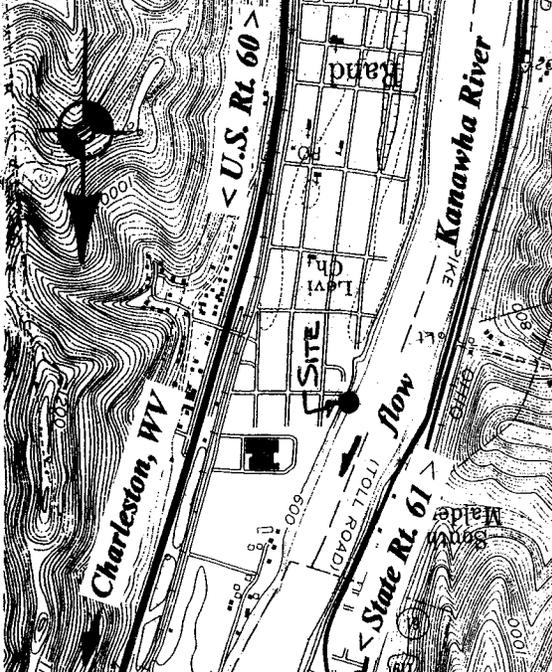
cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. 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. LuAnne Conley, Environmental Engineer, 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. LuAnne Conley of the South Regulatory Section at 304-399-5710.


for Ginger Mullins
Chief, Regulatory Branch

(WV)

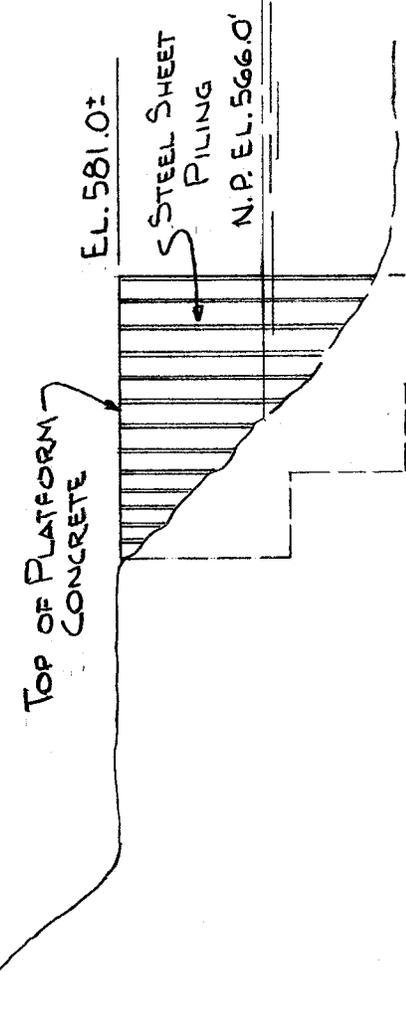


~ NOTES ~

1. SHEET PILING DRIVEN TO REFUSAL.
2. CONVEYOR FROM HOPPER TO TOP OF BANK.
3. A ROAD TO CRANE PLATFORM.
4. PIPES FOR MOORING U.S. AND D.S. AS NEEDED.
5. AREA OF PLATFORM TO BE FILLED.
6. OHM. APPROX EL. 578.3±
7. APPROX 450 CYDS DREDGING REQ'D.

PROPOSED UNLOADING DOCK
 Kanawha River
 Mile 65.5 — RDB
 Kanawha County
 Rand, West Virginia
 Applicant: George Carr
 Date: February 6, 2006
 Scale: As Shown
 Sheet 1 of 2

REV. 3-27-06
 4-13-06



SECTION A-A
 SCALE 1"=20'

