

U S Army USACE  
of Engineers  
Huntington District

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# Public Notice

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In reply refer to Public Notice No.	Issuance Date:
<b>200600212</b>	May 5, 2006
Stream:	Closing Date:
<b>Un Trib Guyandotte River</b>	June 5, 2006

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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

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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. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection and the Virginia Division of Environmental Quality to act on Section 401 Water Quality Certification for the following application.

**APPLICANT:** Logan County Board of Education  
506 Holly Avenue  
Logan, WV 25601

**LOCATION:** The project is located in an unnamed tributary to the Guyandotte River, south of County Road 3 and the existing Chapmanville Middle School in Chapmanville, Logan County, West Virginia.

**DESCRIPTION:** Logan County Board of Education has proposed to construct a new baseball field to support secondary athletics in the Chapmanville area. Construction of the baseball field would result in the relocation of approximately 810 linear feet of an unnamed intermittent tributary to the Guyandotte River. The stream would be relocated approximately 600 feet east along the east side of the proposed baseball field. A new channel would be constructed using natural stream channel design for approximately 1,087 linear feet until it reaches an existing culvert beneath County Road 3, locally known as Crawly Creek Road. An approximate 0.23 acre wetland retention basin would be constructed and utilized for educational purposes. North of County Road 3 a channel would be constructed for approximately 776 linear feet until its confluence with an existing unnamed perennial tributary to the Guyandotte River. The existing Guyandotte River tributary would be enhanced through bank stabilization for approximately 356 linear feet just upstream of its confluence with the Guyandotte River. Stream creation would total 1,863 linear feet. A twenty foot buffer zone would be established along each side of the constructed and enhanced stream segments.

The Logan County Board of Education would enter into an agreement with Coal Mac, Inc. a subsidiary of Arch Coals, Inc. to fund the construction of the proposed baseball field. Coal-Mac has requested mitigation credit totaling 2,219 linear feet of stream and 0.23 acre wetland to be used as compensation for impacts associated with future projects.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certifications from the West Virginia Department for 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:** 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. 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,

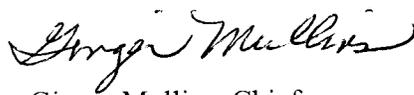
energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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 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. 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.

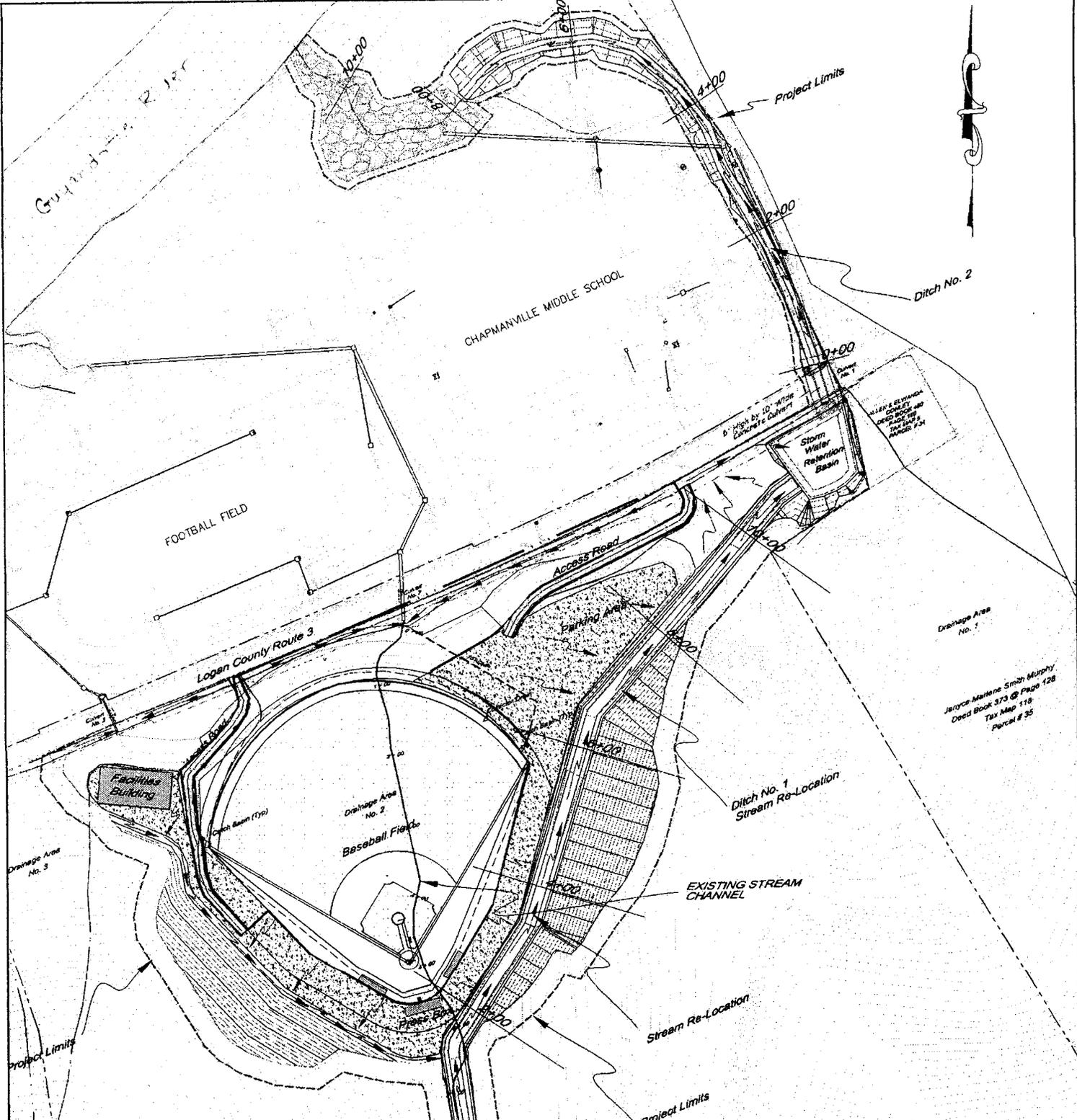
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests 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, you may reach Ms. Tammy R. Fudge of the South Regulatory Section at 304-399-5710 or [tammy.r.fudge@usace.army.mil](mailto:tammy.r.fudge@usace.army.mil).



Ginger Mullins, Chief  
Regulatory Branch

(WV)





Logan County Board of Education  
 Deed Book 500 @ Page 783  
 Tax Map 6  
 Parcel #'s 1 & 2

Jenice-Marlene Smith Murphy  
 Deed Book 373 @ Page 128  
 Tax Map 118  
 Parcel # 35

LEGEND	
	Project Area
	Gravel Drive/Parking Areas
	Flow Arrows
	Cross-Section Lines
	Rip Rap
	5' Contour Lines
	25' Contour Lines
	Proposed 25' Contour
	Baseball Field
	Impervious Areas/Structures
	Property Lines

**Chapmanville Regional High School**  
**Baseball Field Facilities**  
**Final Site Map**  
**Attachment 15**  
 FIGURE 10 PROPOSED STREAM RELOCATION MAP  
 Scale: 1 = 200'

PREPARED BY:  
**Empire Consulting Services, L.L.C.**  
 1005 2nd Avenue, West Logan, WV 25601  
 Phone: (304) 752-9486