



**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2014-484

Date: October 16, 2014

Notice No. 14-37 (REVISED)

Closing Date: October 26, 2014

1. TO ALL WHOM IT MAY CONCERN: The following revised 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.
2. APPLICANT: Max Marina, Inc. dba South Side Marina
316 Leech Avenue
Saltsburg, Pennsylvania 15681
3. LOCATION: Monongahela River, Left Bank, River Mile 2.4 - 2.75, City of Pittsburgh, Allegheny County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: Comments on the proposed facility were received in response to the September 2, 2014, Public Notice, which expressed navigation and safety concerns. The applicant has subsequently revised the prior proposal to construct a marina along the South Shore of the Monongahela River's left bank, adjacent to the South Shore Riverfront Park. The revised proposal would construct a marina within an area approximately 2,015 feet long, by an average of 251 feet wide from the existing shoreline. This proposal increases the length from 1,490 feet but reduces the width from the initially proposed 334 feet. The riverward limits of the proposed docks would be 85 feet from the edge of the navigation channel on the downstream end and 67 feet from the edge of navigation channel on the upstream end. A floating dock debris deflector approximately 270 feet long, extending riverward, is proposed to be affixed near the upstream limit of the marina. Seasonal no wake buoys will be installed at the outer edge of the navigation channel. This project does not propose any dredging or other stream or wetland impacts. Drawings of the proposed project area are attached to this notice.

The applicant has also noted:

- No fuel sales are currently proposed on site.
- Servicing and winter storage will occur at offsite locations.
- During winter months, all docks and deflector will be pulled in tight to the shoreline docks, (late October to late April).

5. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, 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). The Pennsylvania Natural Inventory (PNDI) **Project Search ID: 20140219438750** indicated, "No Known Impacts" within the area of the proposed project.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: 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 which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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 of Engineers to determine whether to

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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 overall public interest of the proposed activity.

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn George Brkovich, by telephoning (412) 395-7247 or e-mail George.R.Brkovich@usace.army.mil OR Scott Hans at (412) 395-7154 or e-mail Scott.A.Hans@usace.army.mil. Please refer to CELRP-OP-F 2014-484 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Scott A. Hans
Chief, Regulatory Branch