



Public Notice

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

In Reply Refer to
Notice No. below

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

Application No. 2005-2159

Date: June 17, 2015

Notice No. 15-26

Closing Date: July 17, 2015

1. TO ALL 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.
2. APPLICANT: Potomac Valley Conservation District
500 East Main Street
Romney, West Virginia 26757-1836
Phone: 304-822-5174
3. AGENT: Natural Resource Conservation Service
Attn: William O'Donnell
75 High Street, Room 301
Morgantown, WV 26505
Phone: 304-284-7543
4. LOCATION: Lower Cove Run of the Lost River, near Lost City, Hardy County, West Virginia. The Lost River is a tributary to the Potomac River. The project is located at 38°55'28" north latitude and 78°49'41" west longitude.
5. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a dam and reservoir for flood control and water supply on Lower Cove Run, a tributary to lost River. Earth disturbance is required to construct the dam, spillway, and its appurtenances. The dam will be approximately 90 feet in height and will encompass a 17 acre footprint area. The dam will create a 47 acre reservoir pool that will store 400 acre feet of water with 1,900 acre feet of flood storage capacity. The emergency spillway will encompass 17 acres. Temporary and permanent impacts are proposed to palustrine emergent wetlands and perennial, intermittent, and ephemeral waterways associated with Lower Cove Run as part of the earth disturbance and subsequent inundation required to accomplish the project.

The construction of the embankment and the creation of the 47 acre permanent impoundment will impact up to 16.02 acres of wetlands. The impacted wetlands have a low functional value and portions have been impacted by agricultural activities including pasture use. The placement of fill to construct the embankment and impoundment will permanently impact

4587.92 linear feet (LF) of Lower Cove Run and unnamed tributaries to Lower Cove Run.

In order to compensate for the permanent loss and conversion of water types the applicant proposes purchasing credits from the West Virginia In-Lieu Fee Program. All credits will be assessed using the current version of the West Virginia Stream and Wetland Valuation Metric and paid for at current rates.

6. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Office of Water Resources
Regulatory Review Program
601 57th Street SE
Charleston, WV 25304-2345
Telephone: 304-926-0499
Re: Public Notice CELRP-OP-F No. 09-43

7. IMPACT ON NATURAL RESOURCES: The project proponent has engaged with the U.S. Fish and Wildlife and by letter dated November 19, 2014, they stated the proposed project will is not likely to adversely affect federally listed endangered and/or threatened species and species of concern. 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).

8. IMPACT ON CULTURAL RESOURCES: The project proponent has conducted a Phase I archaeological survey of the project area and a Phase II National Register assessment of three known sites. As a result of these surveys, the West Virginia Division of Culture & History has concluded that there are no archaeological resources within the proposed project area that are eligible for listing in the National Register of Historic Places. Furthermore, by letter dated September 6, 2005, they stated the proposed project would have no effect to architectural resources that are eligible for listing in the National Register of Historic Places. 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).

9. 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.

10. 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 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. 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 (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the overall 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 Jared N. Pritts at the above address, or by telephoning (412) 395-7251 or by e-mail at jared.n.pritts@usace.army.mil. Please refer to CELRP-OP-F 2005-2159 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED// by Scott Hans for

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch

Figure 1
Lost River 16 Watershed Dam
Project Location Map
 UNITED STATES DEPARTMENT OF
 AGRICULTURE - NATURAL RESOURCES
 CONSERVATION SERVICE
 Hardy County, West Virginia



Gannett Fleming

Sources: USGS topography provided by ESRI ArcGIS Online Webservice.











