

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. **2015-604**

Date: February 10, 2016

Notice No. 16-06

Closing Date: March 10, 2016

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 10 of the Rivers and Harbors Act of 1899.

2. APPLICANT: Kelly Paving, Inc.
3570 South River Road
P.O. Box 1585
Zanesville, Ohio 43701

3. LOCATION: Ohio River, Mile 95.4, Left Bank, Benwood, Marshall County, West Virginia. (Latitude: 39° 59' 58.9", Longitude: 80° 44' 15")

4. PURPOSE AND DESCRIPTION OF WORK: The applicant is applying for a waterfront facility permit to unload aggregate at their Benwood Asphalt facility. A 65 foot long retaining wall will be constructed to hold back aggregate that is unloaded from their conveyor system. The structure will stand eight feet above the normal pool elevation of 623.0. The structure will be constructed on the bank at the river's edge. The applicant is also applying for purposes of conducting maintenance dredging. This is intended to provide sufficient depth for unloading barges. Approximately 2,000 cubic yards of material would be dredged from an area 600 feet long by 35 feet wide and to a depth of 6-10 feet below normal pool elevation 623.0. The dredged material will be contained on-site upland and then processed into the aggregate stockpiles located upland on-site. Drawings of the proposed work are attached to this notice.

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

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 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, comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue

CELRP-OP-F
Public Notice No. 16-04

Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 16-06

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. Matthew Gilbert at the above address, by telephoning (412) 395-7189, or by e-mail at matthew.c.gilbert@usace.army.mil. Please refer to CELRP-OP-F 2015-604 in all responses.

FOR THE DISTRICT ENGINEER:



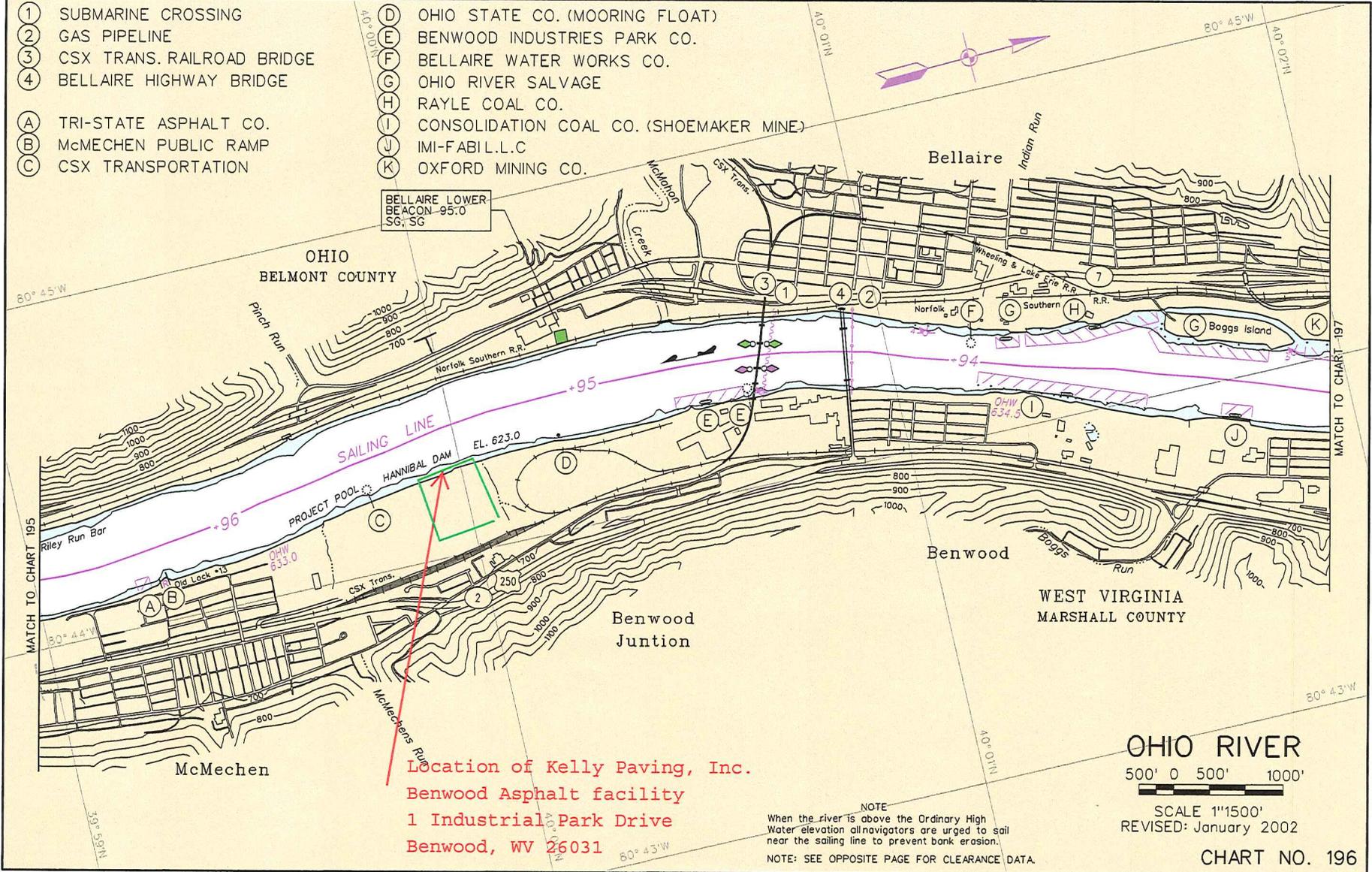
for

Scott A. Hans
Chief, Regulatory Branch

- ① SUBMARINE CROSSING
- ② GAS PIPELINE
- ③ CSX TRANS. RAILROAD BRIDGE
- ④ BELLAIRE HIGHWAY BRIDGE
- Ⓐ TRI-STATE ASPHALT CO.
- Ⓑ McMECHEN PUBLIC RAMP
- Ⓒ CSX TRANSPORTATION

- Ⓓ OHIO STATE CO. (MOORING FLOAT)
- Ⓔ BENWOOD INDUSTRIES PARK CO.
- Ⓕ BELLAIRE WATER WORKS CO.
- Ⓖ OHIO RIVER SALVAGE
- Ⓗ RAYLE COAL CO.
- Ⓘ CONSOLIDATION COAL CO. (SHOEMAKER MINE)
- Ⓙ IMI-FABIL L.C.
- Ⓚ OXFORD MINING CO.

BELLAIRE LOWER BEACON -95.0 SG, SG



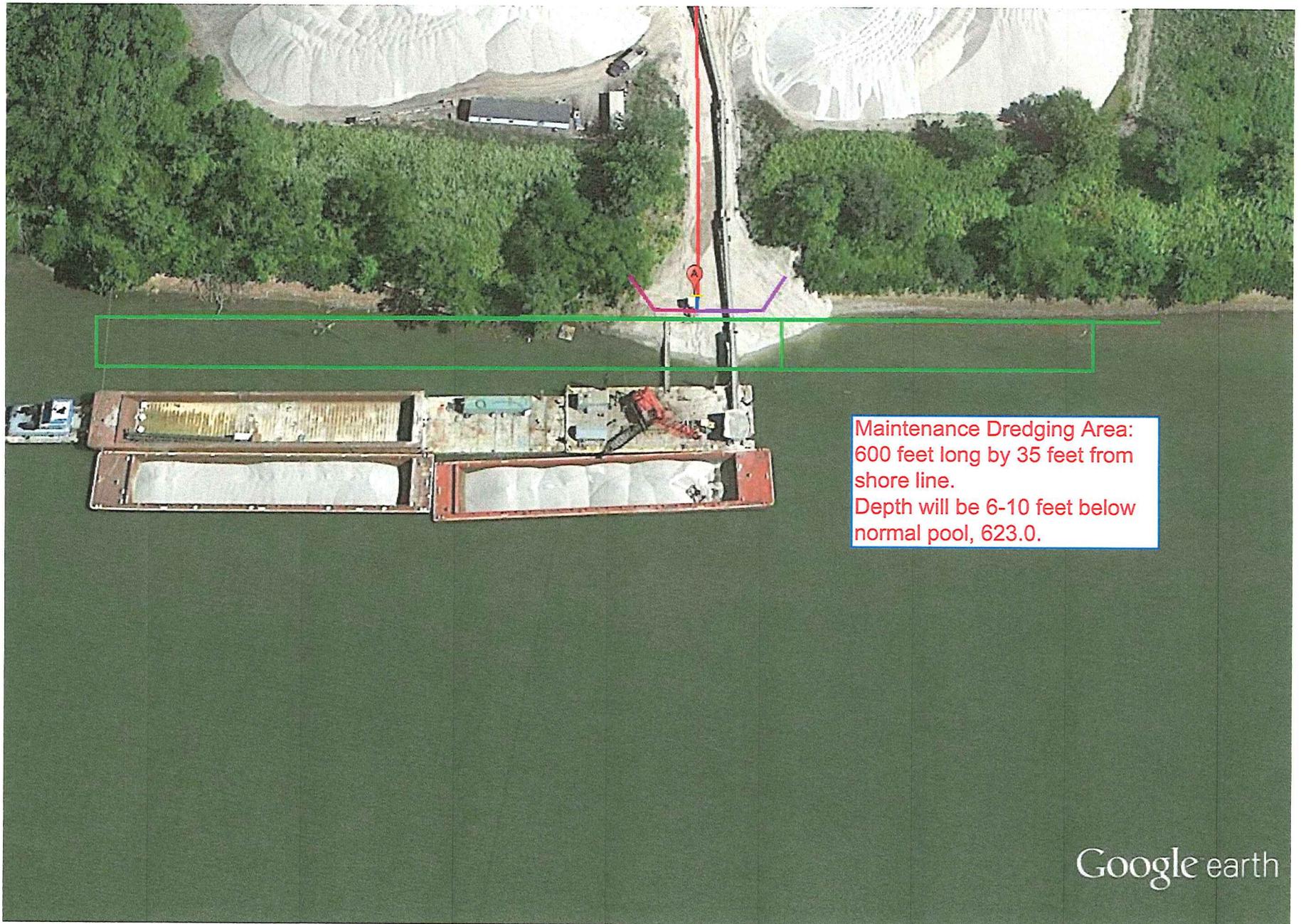
Location of Kelly Paving, Inc.
 Benwood Asphalt facility
 1 Industrial Park Drive
 Benwood, WV 26031

NOTE
 When the river is above the Ordinary High Water elevation all navigators are urged to sail near the sailing line to prevent bank erosion.
 NOTE: SEE OPPOSITE PAGE FOR CLEARANCE DATA.

OHIO RIVER
 500' 0 500' 1000'
 SCALE 1"=1500'
 REVISED: January 2002

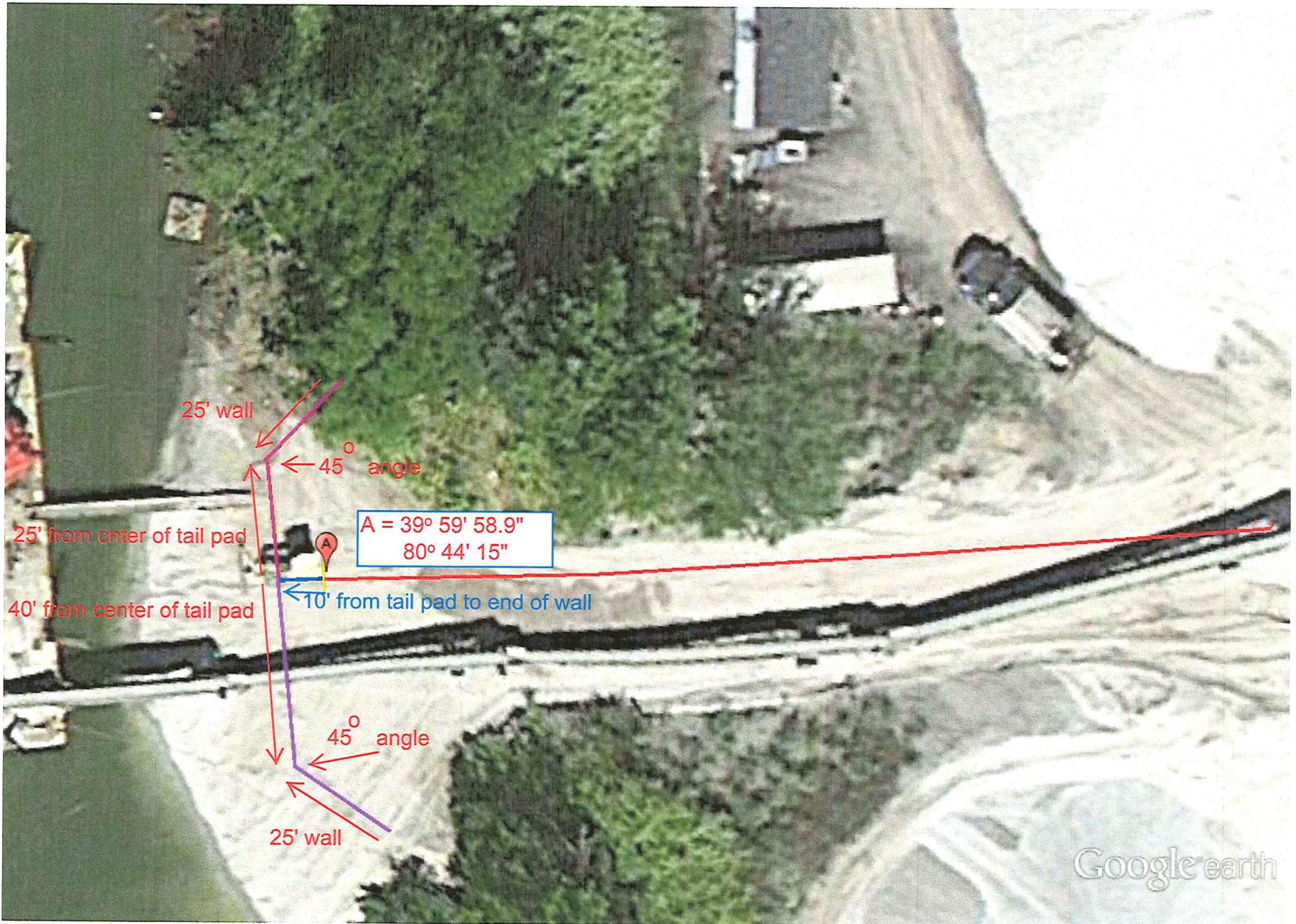
CHART NO. 196

Appendix A : USACE MM Map December 2015
 Kelly Paving, Inc.
 Benwood Asphalt Facility



Appendix C: Maintenance Dredging Area: 600 feet by 35 feet (box in green). Depth: 6-10 feet below normal pool
Kelly Paving, Inc., Benwood Asphalt Facility, 1 Industrial Park Drive, Benwood, WV 26031

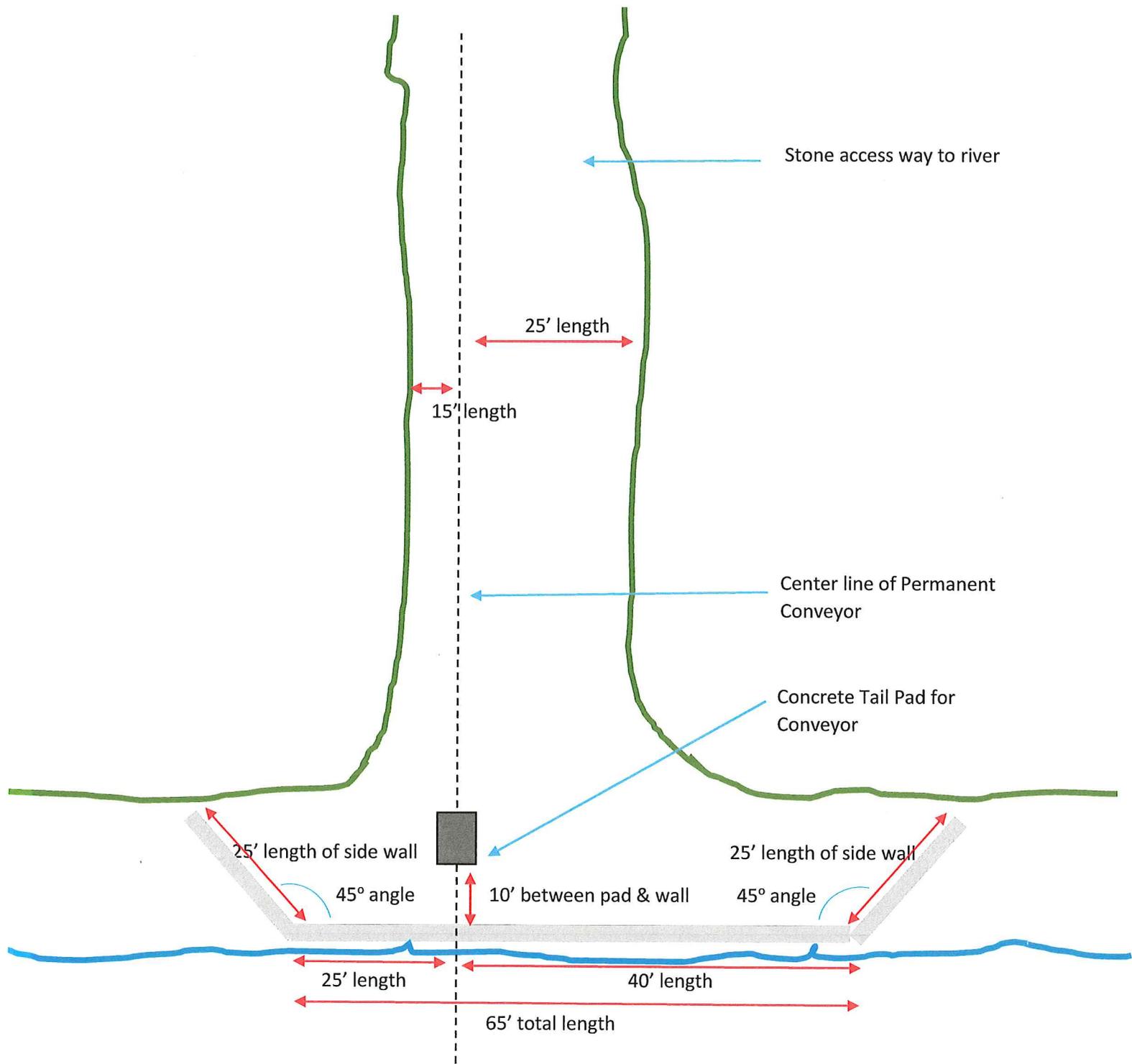




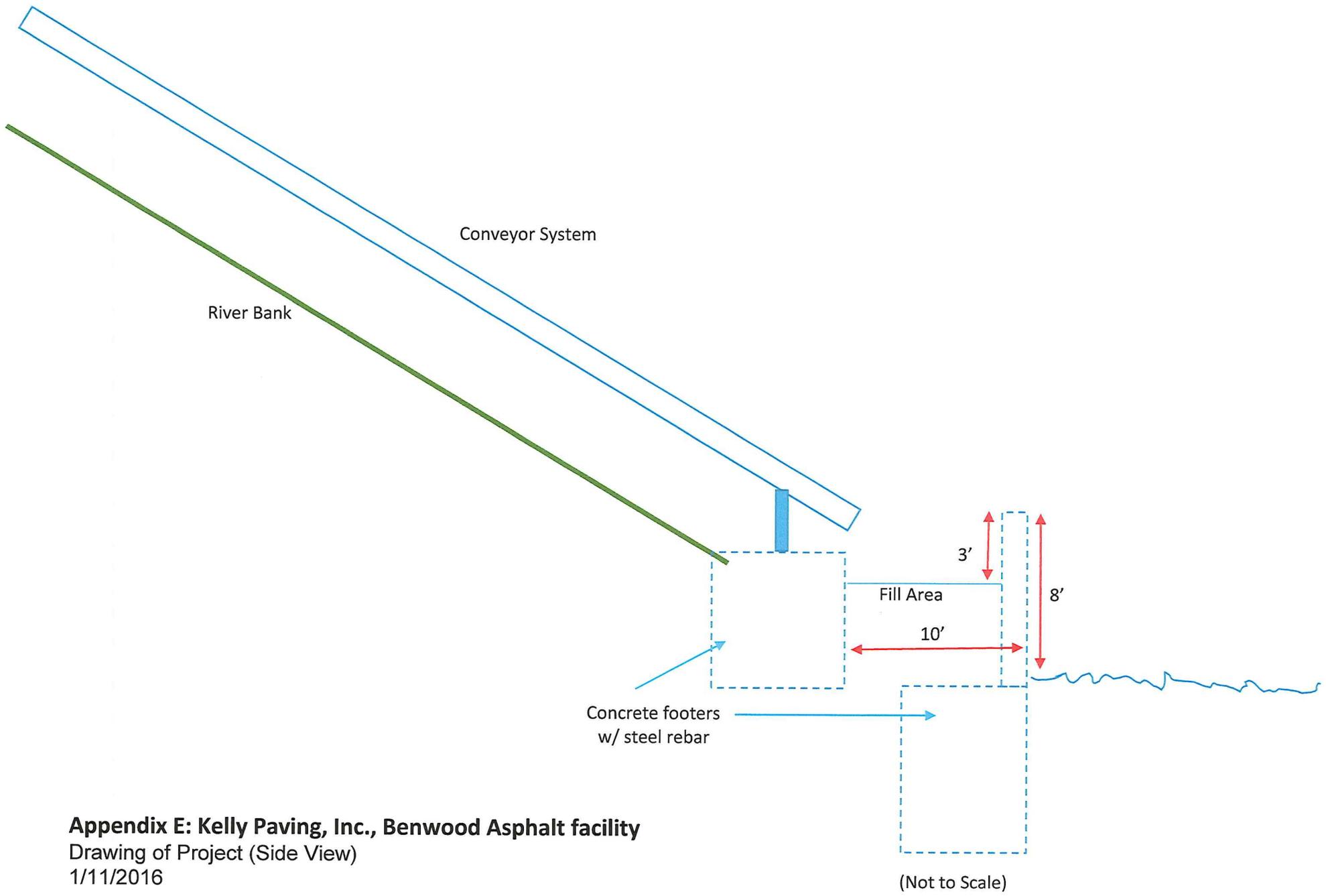
Appendix B: Project Map of Unloading Dock Area.

Kelly Paving, Inc., Benwood Asphalt Facility, 1 Industrial Park Drive, Benwood, WV 26031
 Waterfront unloading area with concrete retaining wall.





**Appendix D: Kelly Paving, Inc.,
Benwood Asphalt facility**
Drawing of Project (Aerial View).
1/11/2016



Appendix E: Kelly Paving, Inc., Benwood Asphalt facility
Drawing of Project (Side View)
1/11/2016