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. LRP-2005-2216 Date: March 20, 2013

Notice No. 13-11 Closing Date: April 20, 2013

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: Mr. Randall Parrotta
Parrotta Paving, Inc.
P.O. Box 1259
Dellslow, West Virginia 26531

3. LOCATION: 492 Old Cheat Road, Morgantown, West Virginia 26508 - GPS Coordinates: 39°39'10.13"N, 79°53'43.77"W.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to maintain the currently installed 48" culvert pipe within an unnamed tributary of West Run for the purpose of building and operating a new commercial rental storage facility. As a result of the construction in 2011, 715 linear feet (LF) of additional stream impact (300 LF was permitted in 2006) and 0.014 acres of wetland impact was conducted prior to approval. The applicant is proposing to make a payment into the In-lieu Fee program in the amount of $322,650.90 for unavoidable impacts to Waters of the United States. Drawings of the site are attached to this notice. A proposed site plan is also located at:
http://www.lrp.usace.army.mil/Missions/Regulatory/PublicNotices.aspx

5. 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 has applied 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. 13-11

6. IMPACT ON NATURAL RESOURCES: The applicant has consulted with the U.S. Fish and Wildlife Service and received clearance in a letter dated January 31, 2013. As such, the District Engineer has determined that 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).

7. IMPACT ON CULTURAL RESOURCES: The applicant has consulted with the West Virginia Division of Culture and History and obtained clearance (FR# 12-543-MG) in a letter dated April 26, 2012. 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

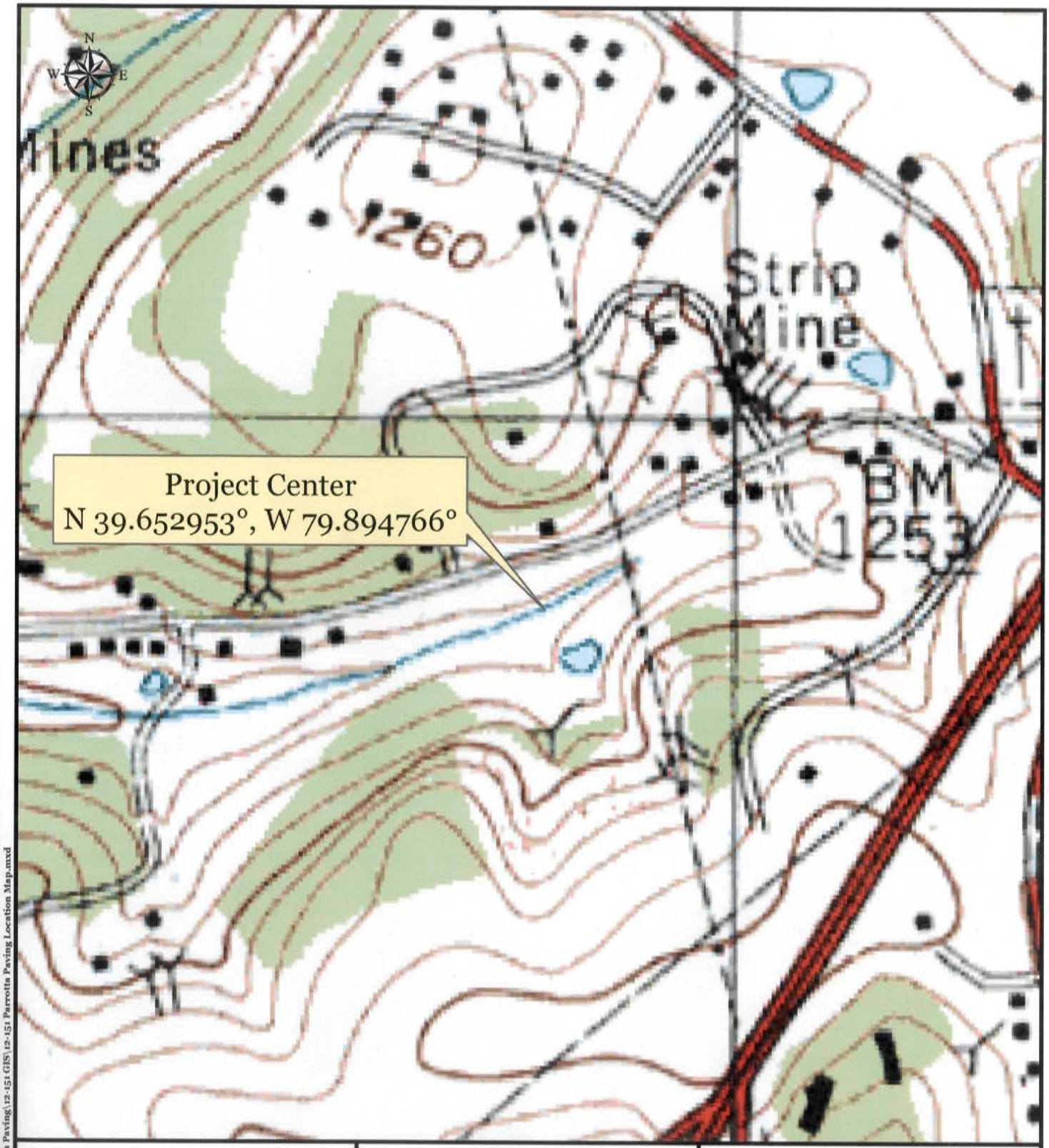
issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of 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. 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).

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 Josh Shaffer at the above address, by telephoning (412) 395-7121, or by e-mail at Joshua.d.shaffer@usace.army.mil. Please refer to CELRP-OP-F 2005-2216 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon T. Coleman
Chief, Southern Section
Regulatory Branch



REFERENCES

U.S. Geological Survey, 1:24,000 Scale Topographic Maps, MyTopo Terrain Navigator Pro (2011)
Morgantown North, WV

Cartographer	ECH	12/20/2012
Engineer	JJK	12/20/2012
Checked by	JJK/ECH	12/20/2012
		Date

Location Map

Parrotta Storage Project
Union District,
Monongalia County, WV

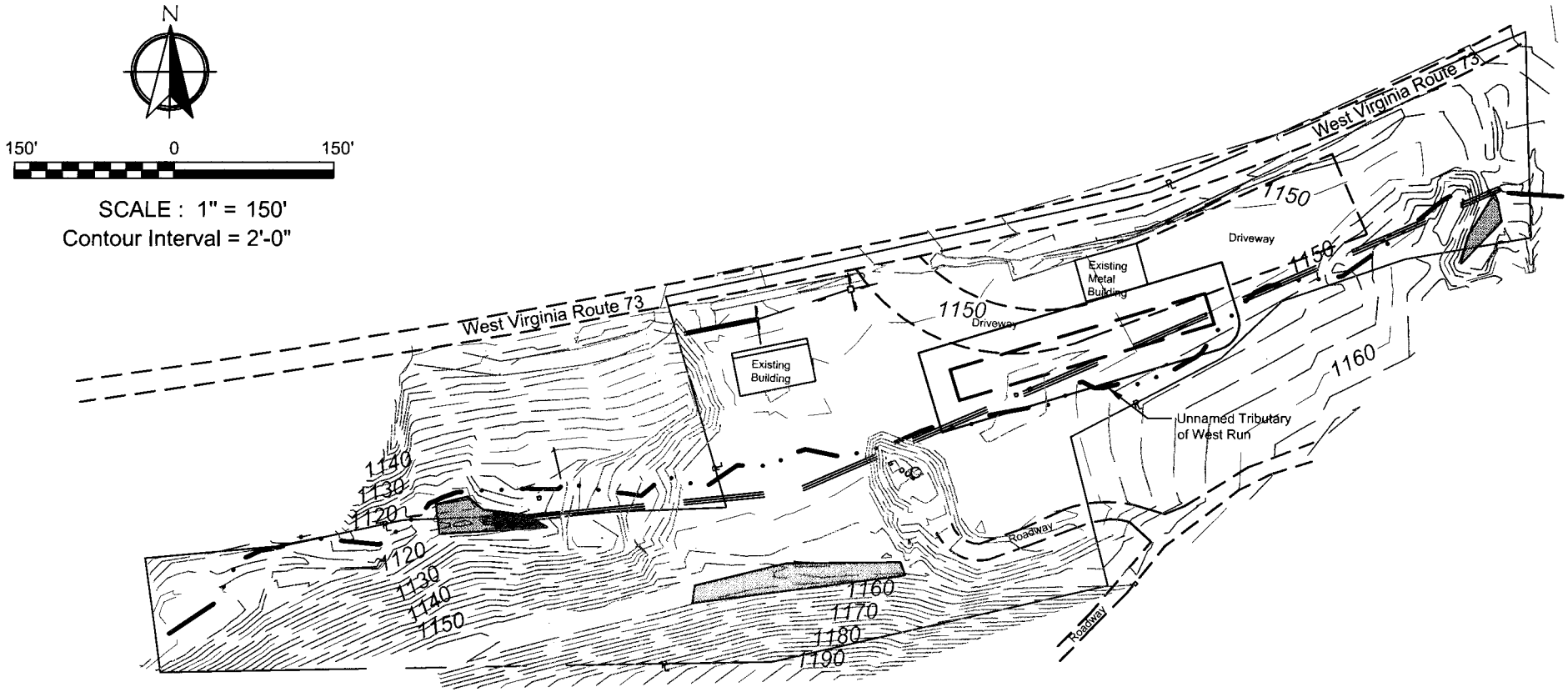
160 Feet
1 inch = 400 feet

Prepared by MSES consultants, inc.

PARROTTA PAVING, LLC.

FIGURE 1

File Name: Z:\On-goingProjects\12-151 Parrotta Paving\12-151 GIS\12-151 Parrotta Paving Location Map.mxd



REFERENCE:
Contours provided by MSES Consultants, Inc., from Ground Survey based on the WV State Plane Coordinates North Zone - NAD 83 , dated 5-22-2012.
Structure and Property Line features provided by CTL Engineering of West Virginia, Inc., dated 4-3-2009

PARROTTA PAVING

PARROTTA STORAGE FACILITY
UNNAMED TRIBUTARY OF WEST RUN

Drawn by	WCR / AAF	6/29/12	Scale: AS SHOWN
Engineer	WCR	6/29/12	
Checked by	JJK	6/29/12	Dwg. No.
		Date	FIGURE 4

Prepared by MSES consultants, inc.