



# 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. 2013-499

Date: April 8, 2013

Notice No. 13-15

Closing Date: April 23, 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. Michael Peters  
West Virginia Division of Natural Resources (WV DNR)  
P.O. Box 99  
Farmington, West Virginia 26571

3. LOCATION: work is proposed on an unnamed tributary (UNT) of Pleasant Creek at Tygart Lake in Barbour County, West Virginia. Coordinates for the project site are: 39°14'42.00"N, 80° 2'60.00"W.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct two (2) wetland cells for waterfowl habitat on the Pleasant Creek Wildlife Management Area. The project area is approximately four (4) acres in size and is situated in a previously disturbed area along Pleasant Creek. The proposed wetland cells will allow approximately 18-24 inches of water for waterfowl use.

As a result of the proposed construction activities, approximately 60 linear feet (LF) of an UNT of Pleasant Creek will be impacted by a low profile berm. An additional 340 LF of the same stream will have periodic impacts of impounding water as it will be situated within the wetland cell #1. It is also, important to note that historical impacts to the UNT of Pleasant Creek include ditching activities and the project area has also been tile drained for past agricultural use. No mitigation is proposed as the project will provide a net benefit to the watershed. A map and proposed site plan are attached to this notice.

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 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. [13-15]

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and 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 WV DNR has consulted with the West Virginia Division of Culture and History (SHPO). The WV DNR has received a "No Effect" determination based on the SHPO letter dated February 13, 2013 (FR# 13-107-MULTI-1). 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](mailto:Joshua.d.shaffer@usace.army.mil). Please refer to CELRP-OP-F 2013-499 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon Coleman  
Chief, Southern Section  
Regulatory Branch

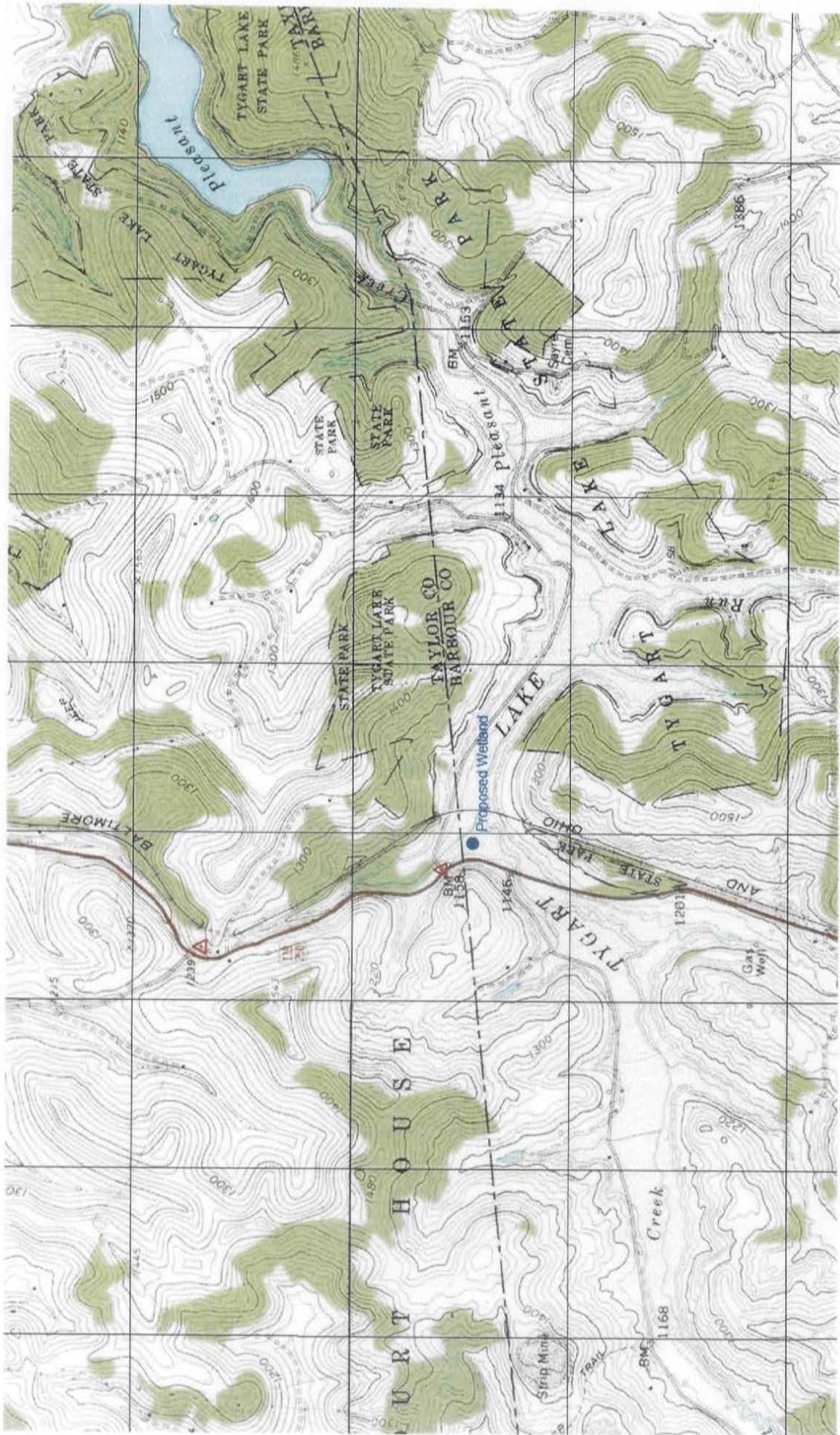
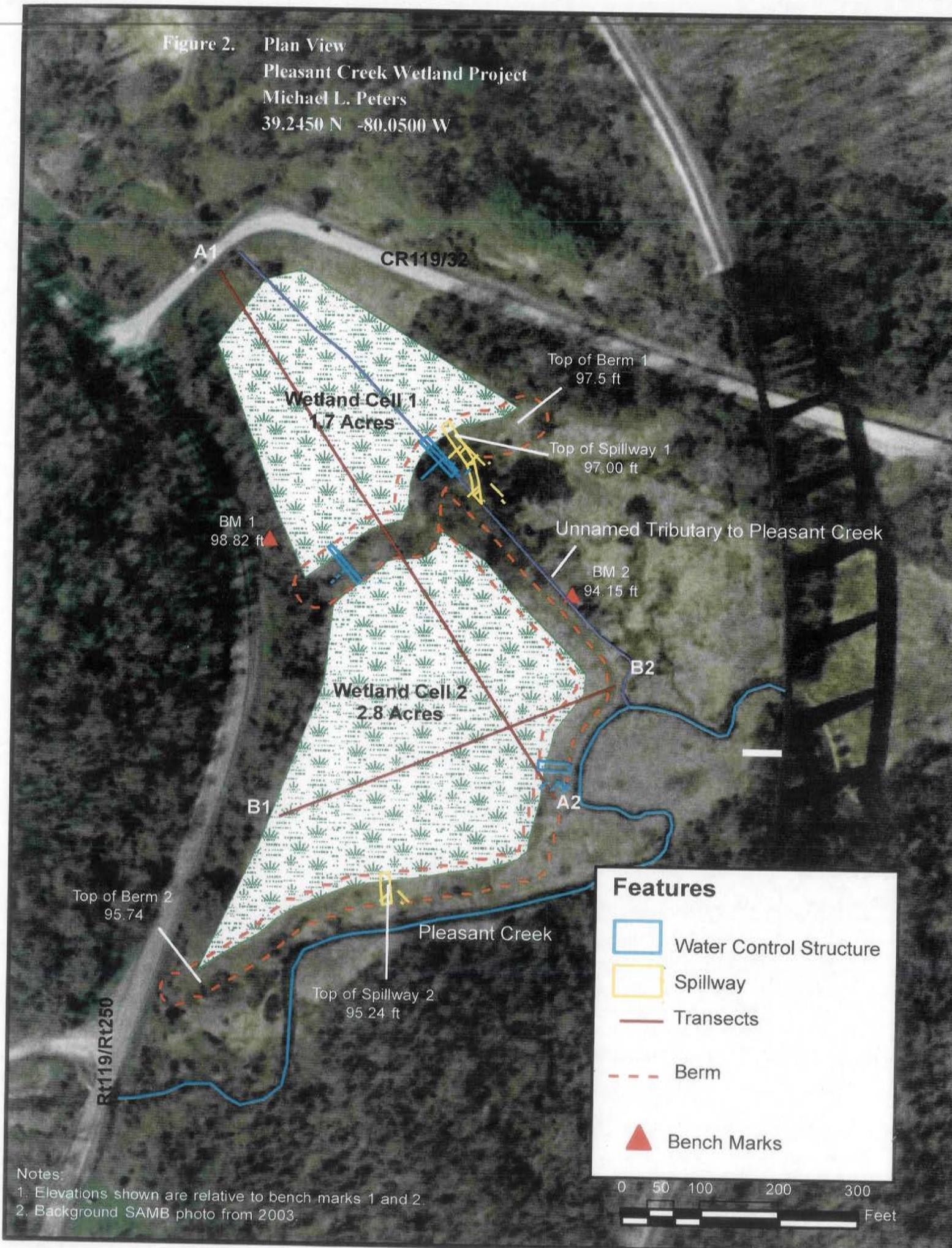


Figure 1. Vicinity Map  
 Pleasant Creek Wetland Project  
 Michael L. Peters  
 39.245° N -80.050° W

Figure 2. Plan View  
 Pleasant Creek Wetland Project  
 Michael L. Peters  
 39.2450 N -80.0500 W



A1

CR119/32

Wetland Cell 1  
 1.7 Acres

Top of Berm 1  
 97.5 ft

Top of Spillway 1  
 97.00 ft

BM 1  
 98.82 ft

Unnamed Tributary to Pleasant Creek

BM 2  
 94.15 ft

Wetland Cell 2  
 2.8 Acres

B2

B1

A2

Top of Berm 2  
 95.74

Pleasant Creek

Top of Spillway 2  
 95.24 ft

Rt119/Rt250

**Features**

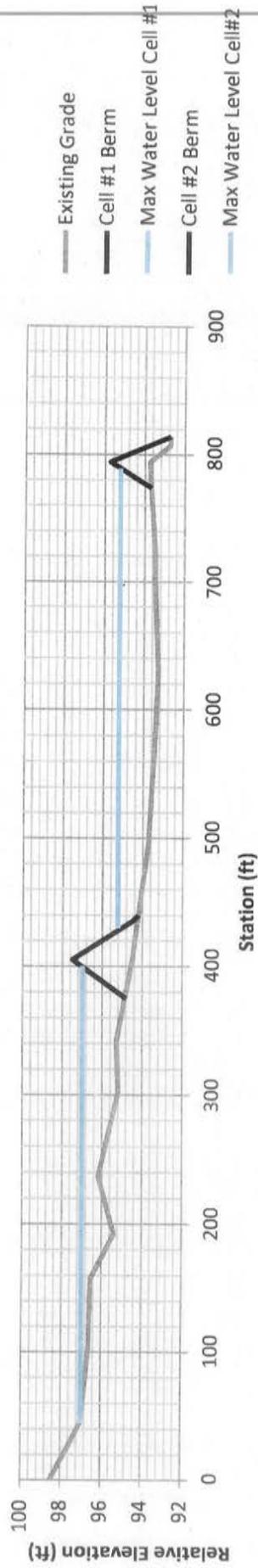
-  Water Control Structure
-  Spillway
-  Transects
-  Berm
-  Bench Marks

Notes:  
 1. Elevations shown are relative to bench marks 1 and 2.  
 2. Background SAMB photo from 2003.



Figure 3. Cross-Section Map  
 Pleasant Creek Wetland Project  
 Michael L. Peters  
 39.245° N -80.050° W

### Cross Section 1 A1 to A2



### Cross Section 2 B1 to B2

