



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. 2013-546

Date: May 3, 2013

Notice No. 13-20

Closing Date: May 31, 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. APPLICANT:
ORRAN Hofstetter, INC
P.O. Box 237
Orrville, Ohio 44667
3. LOCATION: Ohio River, Left Bank River Mile 45.8, Newell, Hancock County, West Virginia, Latitude 40°.37' 11.56" North and Longitude: 80° 36' 49.16" West.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a new waterfront facility for the purposes of receiving transiting barges to load and off load the facilities materials. Approximately 12,000 cubic yards of dredge material will be removed along the 490 linear feet of river bank and bottom of the Ohio River to accommodate the placement of 4 embed(195 by 35 feet) hopper barges. Two hopper barges will be placed end to end for a total of 390 linear feet and sunk, the remaining two barges will be placed on top of the sunken barges. The dredged material being will be placed and contained in the embed hopper barges and also used as backfill approximately 15 feet above the ordinary high water mark elevation of 669.4 . Drawings of the proposed dock 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. 13-20

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information using the **Information, Planning and Conservation System (IPaC)** 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).
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. 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).

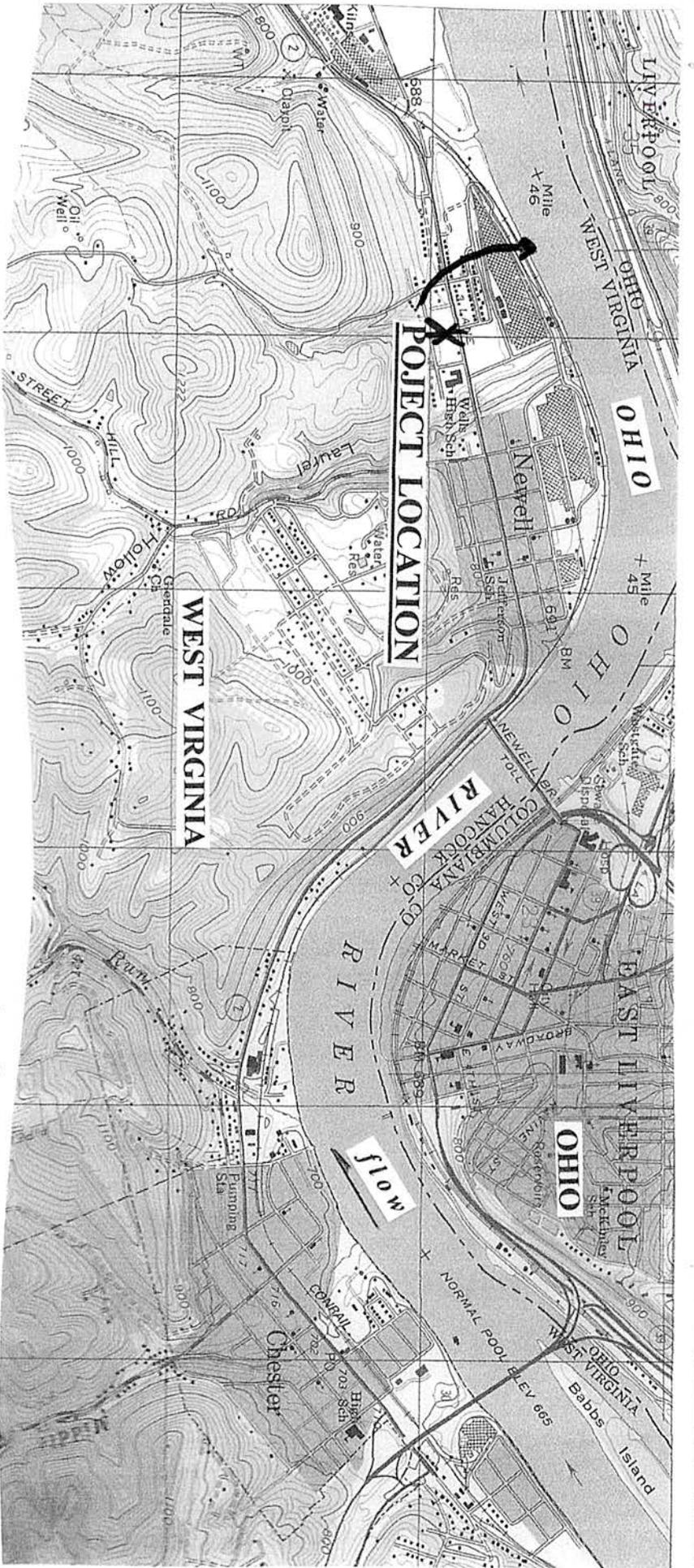
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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 George Brkovich at the above address, by telephoning (412) 395-7247, or by e-mail at george.r.brkovich@usace.army.mil. Please refer to CELRP-OP-F 2013-546 in all responses.

FOR THE DISTRICT ENGINEER:

// SIGNED //

Jon T. Coleman
Chief, Southern Section
Regulatory Branch
Pittsburgh District



LOCATION MAP
SCALE: 1" = 2000'

NOTES

1. APPROXIMATELY 12,000 CUBIC YARDS OF MATERIAL WILL BE DREDGED RIVERWARD OF THE PROPOSED DOCK.
2. THE DREDGED MATERIAL WILL BE USED AS BACKFILL FROM THE DOCK TO THE TOP OF THE BANK AND TO FILL THE PROPOSED BARGES.
3. THE DOCK WILL BE TWO BARGE LENGTHS OR 390' LONG, AND WILL BE STACKED TWO BARGES HIGH.
4. ROCK RIP-RAP WILL BE USED AT THE UPSTREAM AND DOWNSTREAM ENDS OF THE PROPOSED BARGE DOCK.

PN# 13-20

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ORRAN Hofstetter INC.
P.O. Box 237 - Orrville, OH 44667

ORRAN Hofstetter INC.
Ohio River Mile 45.9, LDB
At Newell, Hancock County, WV
Proposed Loading and Unloading Facility

Prepared By:
Bower's Permit Consulting
227 Indiana Street
Huntington, WV 25704

Sheet 1 of 4
Scale: 1" = 2000'

2013-546

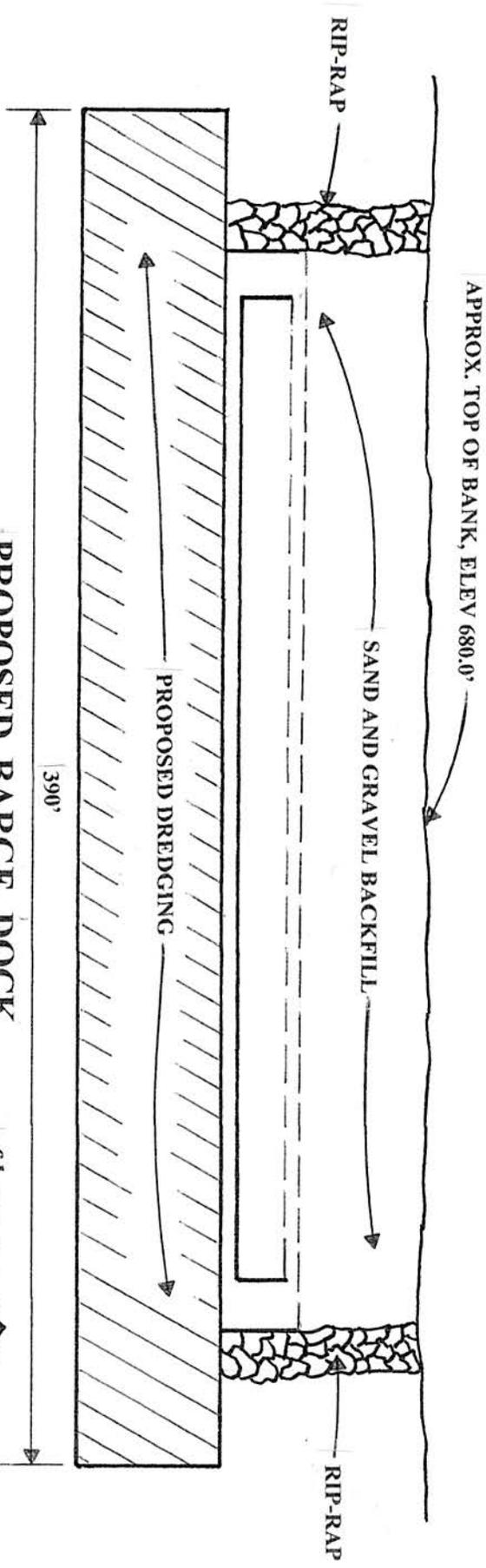
OHIO RIVER

PROPOSED BARGE DOCK

PLAN

SCALE: 1" = 60'

flow



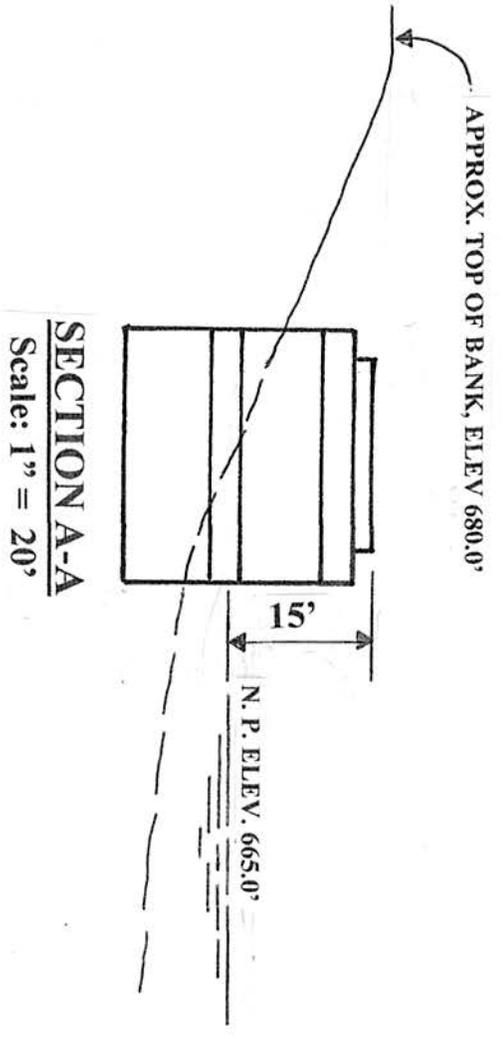
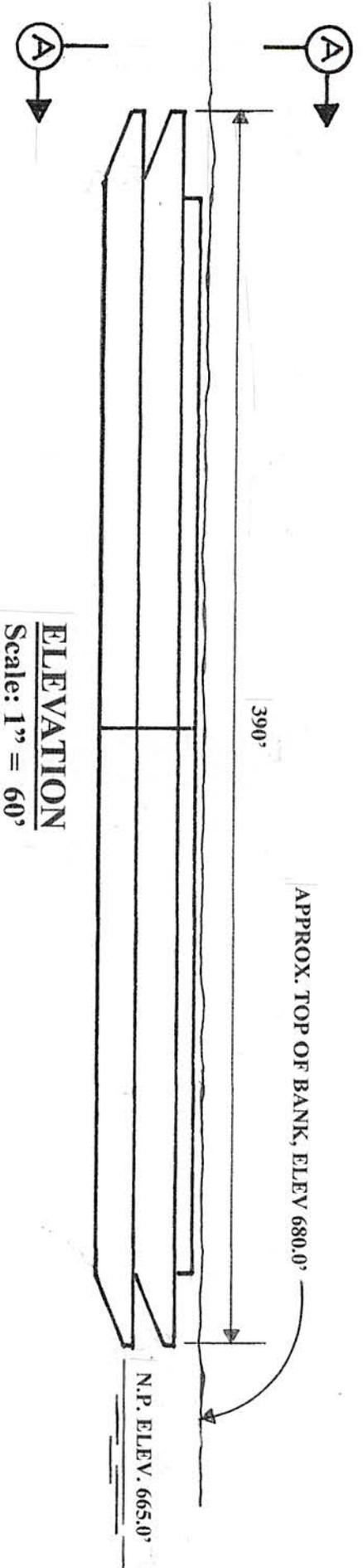
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Sheet 2 of 4
 Scale: 1" = 60'

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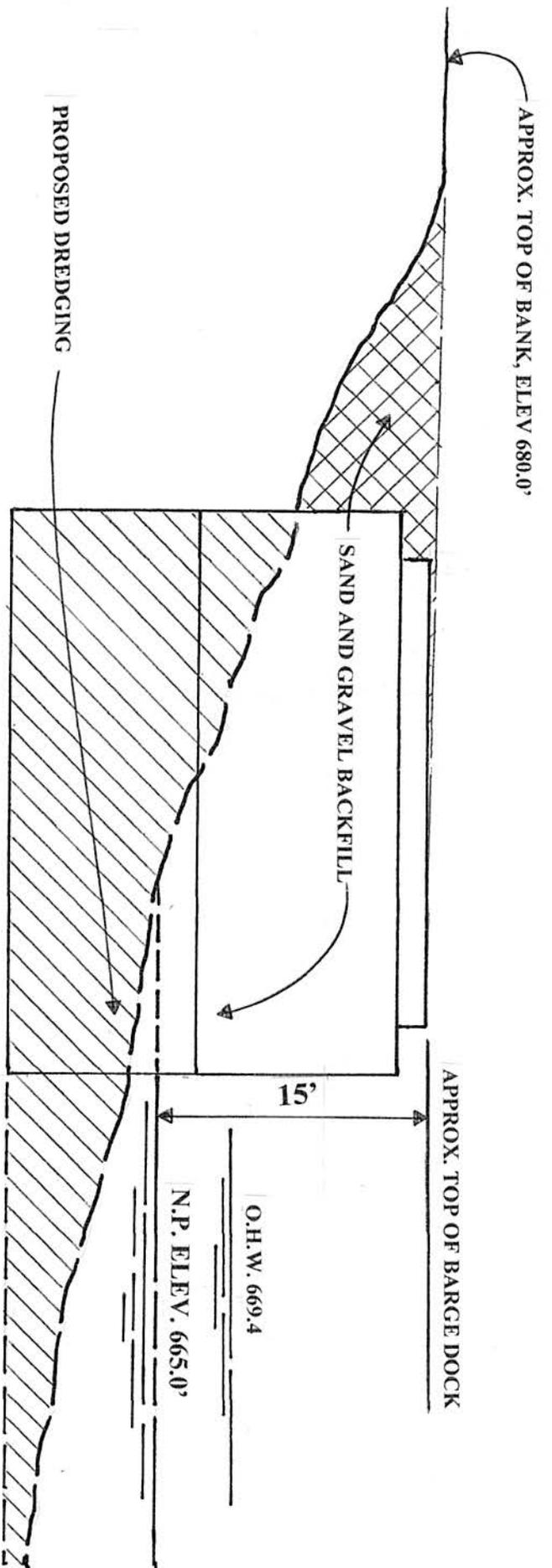
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Sheet: 3 of 4
Scale: As Shown



**SECTION B-B
THROUGH BARGES**
Scale: 1" = 10'

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Sheet 4 of 4
 Scale: 1" = 10'

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