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# Public Notice

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**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

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Application No. 2011-1499

Date: June 22, 2012

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Notice No. 12-38

Closing Date: July 23, 2012

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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:** American Electric Power Company, Inc.  
1 Riverside Plaza – 17<sup>th</sup> Floor  
Columbus, Ohio 43215
3. **LOCATION:** Cresap, Marshall County, West Virginia (39.825823°N, 80.775306°W)
4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant proposes to construct a residual solid waste landfill and attendant features to accommodate coal combustion byproducts from their Mitchell Plant. The haul road, landfill, and attendant features encompass 207.3 acres and will impact approximately 0.01 acre of palustrine emergent wetland, 1 acre of open water, and 10,226 linear feet of intermittent and ephemeral streams in the Conner Run, Little Tribble Creek and Fish Creek watersheds. The applicant proposes to mitigate for the impacts by restoring, enhancing, and preserving streams within the local watersheds. Drawings of the proposed project 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. 12-38

6. IMPACT ON NATURAL RESOURCES: A letter concurring with an Indiana Bat Mist Net Report, dated August 19, 2011, from the U.S. Fish and Wildlife Service states that the project is not likely to adversely affect federally listed species. 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: Phase I and II archeological studies have been provided. One rural farmhouse and granary have been determined to be eligible for the National Register of Historic Places and it has been determined that this property will be directly affected by the proposed work. A draft Memorandum of Agreement has been provided to the Corps and West Virginia Culture and History. 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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at [jared.n.pritts@usace.army.mil](mailto:jared.n.pritts@usace.army.mil). Please refer to CELRP-OP-F 2011-1499 in all responses.

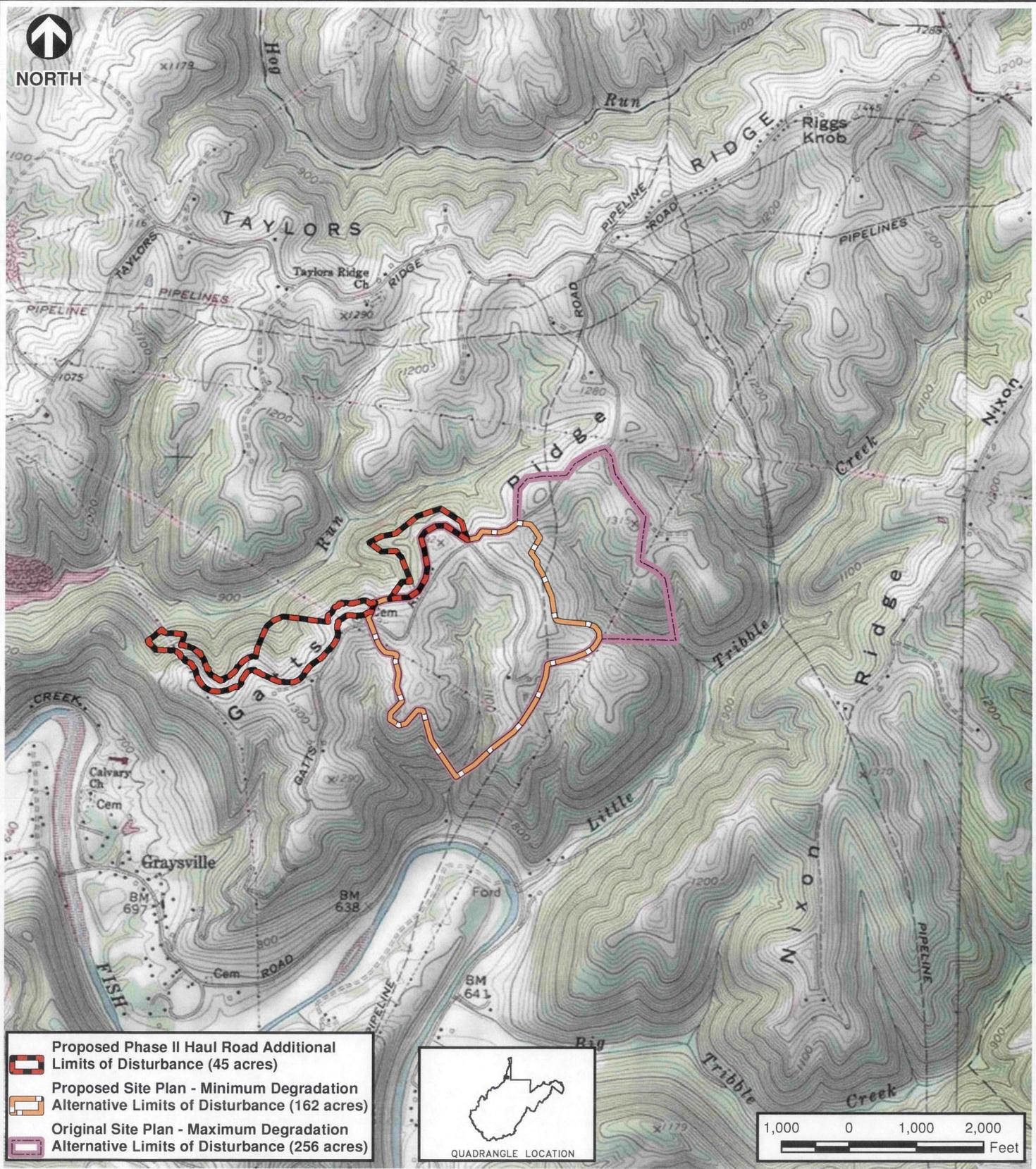
FOR THE DISTRICT ENGINEER:

//SIGNED//

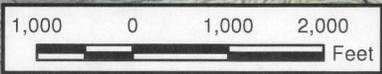
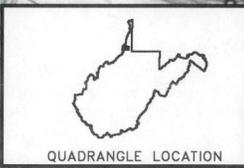
Karen A. Kochenbach  
Chief, Southern Section  
Regulatory Branch



NORTH



- Proposed Phase II Haul Road Additional Limits of Disturbance (45 acres)
- Proposed Site Plan - Minimum Degradation Alternative Limits of Disturbance (162 acres)
- Original Site Plan - Maximum Degradation Alternative Limits of Disturbance (256 acres)



SOURCE: PORTION OF THE USGS 7.5-MINUTE SERIES TOPOGRAPHIC QUADRANGLE MAP - GLEN EASTON, WV - 1978 AND POWHATAN POINT, WV - 1978.



### Civil & Environmental Consultants, Inc.

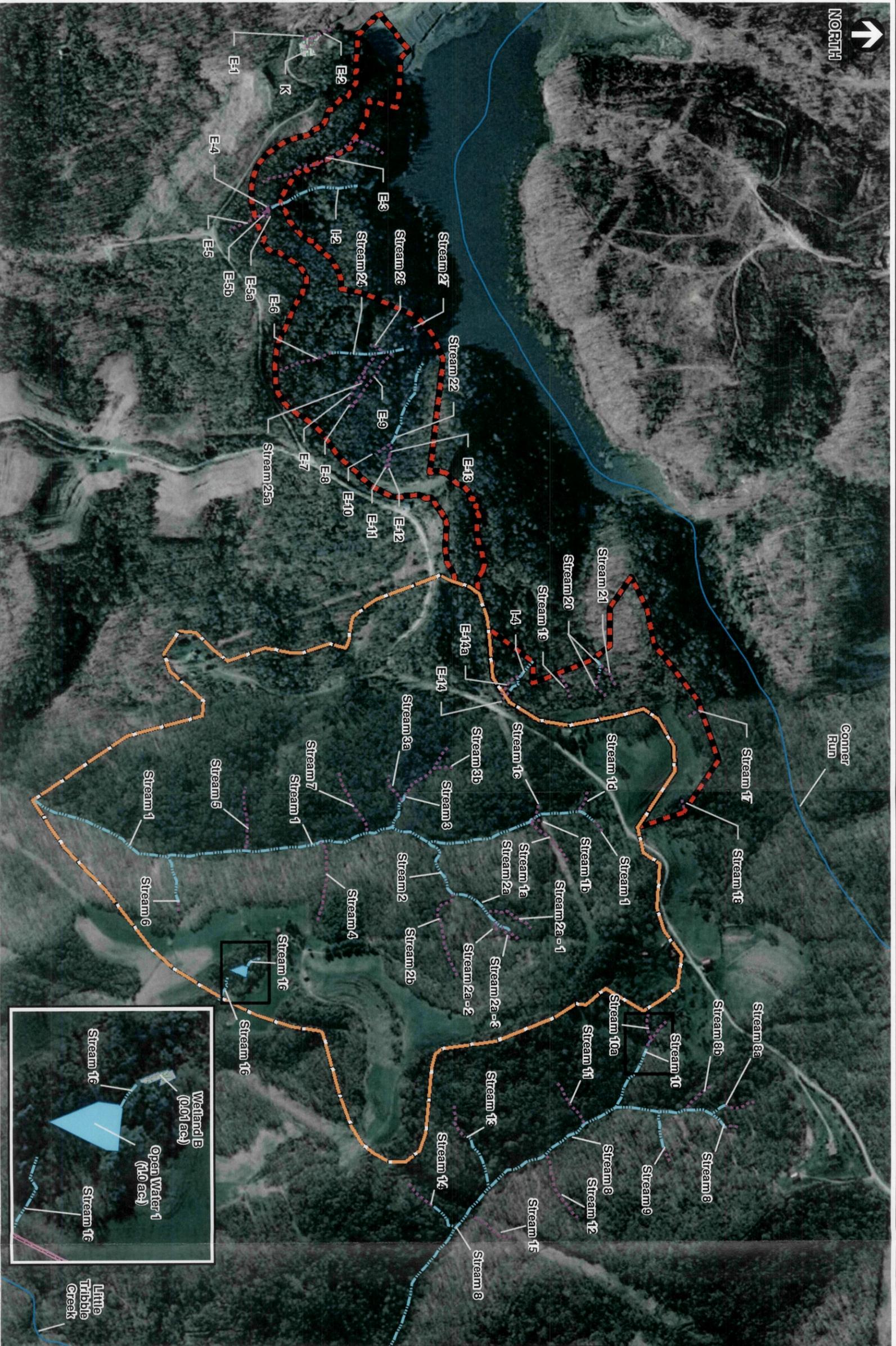
4274 Glendale-Milford Road - Cincinnati, OH 45242  
 513-985-0226 - 800-759-5614  
 www.cecinc.com

AMERICAN ELECTRIC POWER CO., INC.  
 MITCHELL LANDFILL PROJECT  
 GATTS RIDGE ROAD  
 CRESAP, MARSHALL CO., WEST VIRGINIA

### SITE LOCATION MAP

DRAWN BY: MJB	CHECKED BY: DJG	APPROVED BY: JEZ*	FIGURE NO:
DATE: MARCH 30, 2012	DWG SCALE: 1" = 2,000'	PROJECT NO: 110-416.8400	<b>1</b>

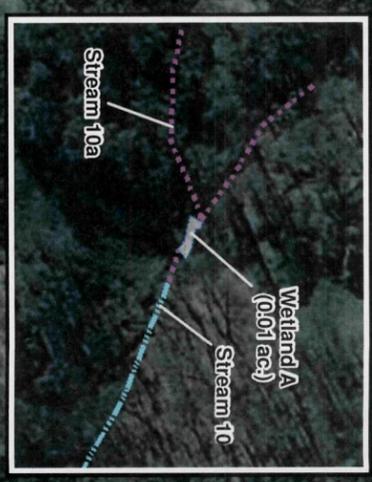
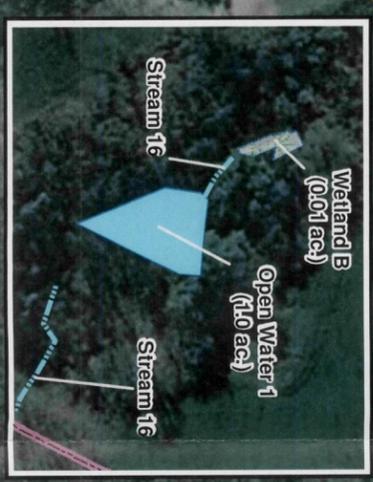
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- Intermittent Stream
- Ephemeral Stream
- Open Water
- Wetland Feature
- Wetland Feature (Stantec 2011)
- Proposed Phase II Haul Road Additional Limits of Disturbance (45 acres)
- Proposed Site Plan - Minimum Degradation Alternative Limits of Disturbance (162 acres)

**NOTES:**

- All CEC stream locations are approximate and based off of topographic interpretation from the AutoCAD file titled - "ML\_CornerRun&Plant\_11-10-10\_8388SF.dwg", June 26, 2011, and GPS data collected during CEC's August 11-15, 2011, February 14, 15, & 28, and March 20 & 21, 2012 wetland and waterbody delineation site visits.
- Proposed Phase II Haul Road streams and wetland features were obtained from Stantec on 1/31/2012.
- Streams E-1, E-2 and Wetland K shown within Stantec's Phase II Haul Road Stream and Wetland Study Area are for informational purposes only and have not been verified by CEC.



Segment Name	Classification	Impacted Stream Length	Jurisdictional Water of the U.S.?
Stream 1	Ephemeral	78	Yes
Stream 1a	Intermittent	3465	Yes
Stream 1b	Ephemeral	327	Yes
Stream 1c	Ephemeral	70	Yes
Stream 1d	Ephemeral	79	Yes
Stream 2	Intermittent	151	Yes
Stream 2a	Intermittent	372	Yes
Stream 2a-1	Intermittent	70	Yes
Stream 2a-2	Intermittent	413	Yes
Stream 2a-3	Intermittent	298	Yes
Stream 2a-4	Ephemeral	51	Yes
Stream 2a-5	Ephemeral	92	Yes
Stream 2a-6	Ephemeral	550	Yes
Stream 2a-7	Ephemeral	375	Yes
Stream 2a-8	Intermittent	216	Yes
Stream 2a-9	Ephemeral	119	Yes
Stream 2a-10	Ephemeral	495	Yes
Stream 2a-11	Ephemeral	383	Yes
Stream 2a-12	Ephemeral	51	Yes
Stream 2a-13	Intermittent	292	Yes
Stream 2a-14	Ephemeral	394	Yes
Stream 2a-15	Intermittent	191	Yes
Stream 2a-16	Ephemeral	97	No
Stream 2a-17	Ephemeral	73	No
Stream 2a-18	Ephemeral	159	No
Stream 2a-19	Ephemeral	178	No
Stream 2a-20	Intermittent	97	No
Stream 2a-21	Ephemeral	157	No
Stream 2a-22	Intermittent	511	No
Stream 2a-23	Intermittent	424	No
Stream 2a-24	Intermittent	94	No
Stream 2a-25	Ephemeral	95	No
Stream 2a-26	Ephemeral	94	No
Stream 2a-27	Ephemeral	37	No
Stream E-14	Ephemeral	91	No
Stream E-14a	Ephemeral	169	No
Stream E-14b	Intermittent	234	No
Stream E-14c	Intermittent	134	No
E-10	Ephemeral	99	No
E-11	Ephemeral	101	No
E-12	Ephemeral	62	No
E-13	Ephemeral	609	No
E-3	Ephemeral	90	No
E-4	Ephemeral	109	No
E-5	Ephemeral	59	No
E-5a	Ephemeral	53	No
E-5b	Ephemeral	53	No
E-6	Ephemeral	320	No
E-7	Ephemeral	313	No
E-8	Ephemeral	58	No
E-9	Ephemeral	421	No
E-12	Intermittent	72	No

**Civil & Environmental Consultants, Inc.**

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**MITCHELL LANDFILL PROJECT**  
**GATTS RIDGE ROAD**  
**CRESAP, MARSHALL CO., WEST VIRGINIA**

**PROPOSED SITE PLAN -**  
**MINIMUM DEGRADATION ALTERNATIVE**

DRAWN BY: MJB  
DATE: MARCH 30, 2012

CHECKED BY: DJG  
DWG SCALE: 1" = 600'

APPROVED BY: JEZ\*  
PROJECT NO: 110-416.8400

FIGURE NO: **2**

SOURCE: PORTION OF THE ESRI ARCGIS ONLINE MAPPING SERVICE - "WORLD\_IMAGERY" - AERIALS EXPRESS - "NORTHERN WV 2010" COLOR AERIAL MOSAIC, 2010.