



**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2008-2120

Date: October 19, 2012

Notice No. 12-59

Closing Date: November 18, 2012

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: Rayle Coal Company
67705 Friends Church Road
St. Clairsville, Ohio 43950
3. LOCATION: Boggs Island, Ohio River Right Bank, Mile 93.2 to 93.7
Belmont County, Ohio, Marshall County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes reauthorization of maintenance dredging as necessary, for a period of 10 years to provide floatation for barges of sand and gravel to be stockpiled on Boggs Island. Drawings of the proposed dredging are attached to this notice.
5. IMPACT ON NATURAL RESOURCES: This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any 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).
6. 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).
7. 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.

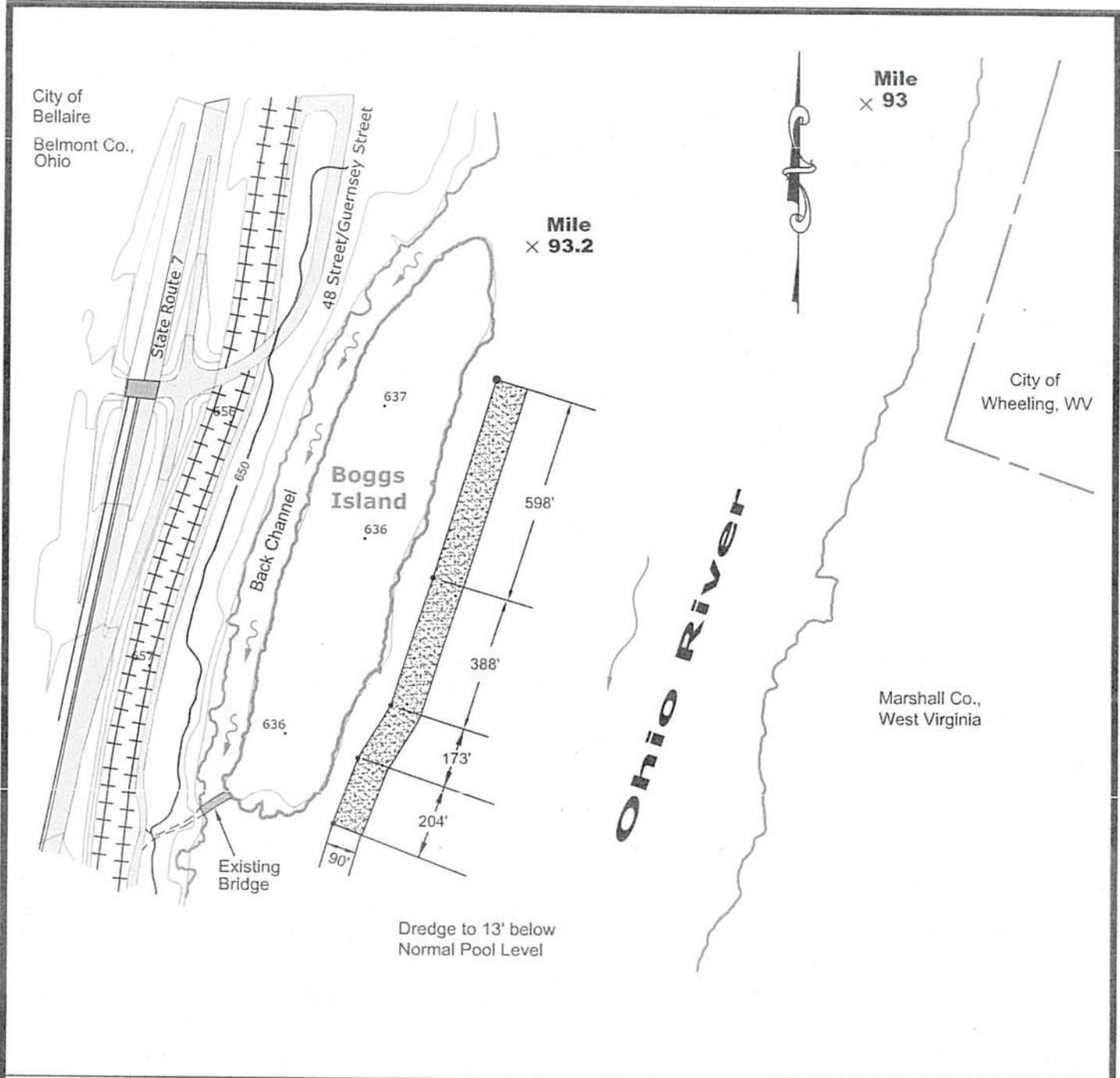
8. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect 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.

9. 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 Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-OP-F 2008-2120 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Nancy Mullen
North Section Chief, Regulatory Branch



Dredge to 13' below Normal Pool Level

Latitude: 40° 01' 45" N
 Longitude: 80° 44' 08" W

Normal Pool Level is 621'

Date Prepared: March 23, 2012

Rayle Coal Co.
 67705 Friends Church Road
 St. Clairsville, Ohio 43950

Boggs Island
 Maintenance Dredging
 Renewal of Permit #93064

Ohio River
 Boggs Island Barge Harbor

Located in the Ohio River, Mile Marker 93.2
 Marshall County, West Virginia
 Wheeling, W.VA. - Ohio Quadrangle
 Contour Interval: 10'

Scale: 1" = 400'

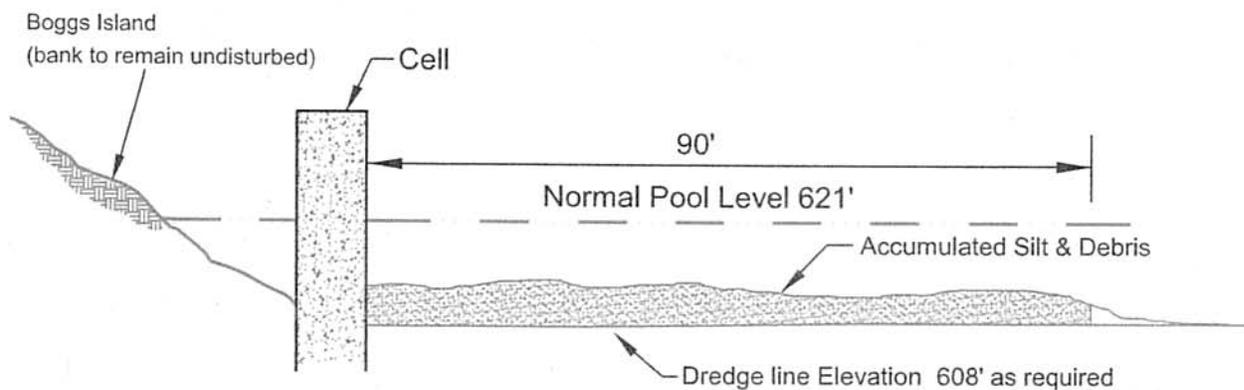
0' 400' 800'

HAMILTON
 & Associates, Inc.

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Typical Cross Section

Not to Scale



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St. Clairsville, Ohio 43950

Boggs Island
Maintenance Dredging of Barge Harbors
Renewal of Permit #93064
Marshall County, West Virginia