



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. 200001555

Date: March 27, 2001

Notice No. 01-R3

Expiration Date: March 27, 2006

**REGIONAL PERMIT FOR
THE PLACEMENT OF BANK PROTECTION
STATE OF WEST VIRGINIA**

1. TO ALL WHOM IT MAY CONCERN: The District Engineer, U. S. Army Engineer District, Pittsburgh, has reissued the subject Regional Permit for THE PLACEMENT OF BANK PROTECTION within the STATE OF WEST VIRGINIA in the Pittsburgh District along the banks of navigable waters as specified in Appendix A. This Regional Permit is a revalidation of Regional Permit No. 95-R3, issued on March 30, 1995.

2. This authorization is pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (P.L. 95-217) and in accordance with Title 33 CFR 325.2(e), paragraph b, as published November 13, 1986 in the Federal Register, Volume 51, Number 219.

3. This Regional Permit may be revoked at any time after its effective date if it is determined that the cumulative effects of the activities authorized will have a significant adverse environmental impact or that any such activity is otherwise not in the public interest.

4. The shore protection covered by this Regional Permit must comply with the Special Conditions set forth in Appendix B.

5. The provisions of this Regional Permit would not apply to:

a. Historic, cultural, or archeological sites as identified in the latest published version of the National Register of Historic Places.

b. Sites included in the latest published version of the National Registry of Natural Landmarks.

c. Any other areas authorized for study or named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National

Monuments, National Wildlife Refuges and such areas as may be established under Federal law for similar and related purposes, such as estuaries and marine sanctuaries.

d. Wetlands, including bogs, marshes, sloughs, swamps, and other areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Embayments, backwaters, islands, and back channel shorelines are similarly excluded because of their exceptional value.

e. This Regional Permit does not apply to projects that may affect listed or proposed threatened or endangered species or their designated critical habitat unless consultation under Section 7(c) of the Endangered Species Act has been completed. Potential applicants must contact the U. S. Department of the Interior, Fish and Wildlife Service, P. O. Box 1278, Elkins, West Virginia 26241 to determine if proposed or listed threatened or endangered species or their critical habitat are present at the proposed site.

f. Sites within the permit area that may be identified by the District Engineer as being environmentally sensitive.

g. Projects which require or are covered by an environmental impact statement.

6. Nothing in this Regional Permit would eliminate the necessity for the owner(s) to obtain any required Federal, State, or local permits. Land disposal of material dredged from the waterway requires an approved Soil Erosion and Sedimentation Plan. For land disturbances over three acres, a NPDES stormwater permit is required. Beginning October 1, 2002, a NPDES stormwater permit will be required for land disturbances over one acre.

7. The owner(s) must furnish to the District Engineer prior to commencement of construction, a letter describing the proposed activity so that the locations and extent of bank protection may be properly inventoried and the cumulative effect of the same may, from time to time, be assessed. This letter must include the following information:

- a. Name, address, and phone number of owner(s).
- b. Location of the proposed work to include name of waterway, state, county, and nearest city or town.
- c. Names and addresses of adjoining upstream and downstream property owners.
- d. A statement describing need for bank protection.
- e. Dates when work is expected to begin and end.

f. A vicinity map showing the proposed project location. The proposed project location may be shown on a copy of the appropriate page of River Navigation Charts published by the U. S. Army Corps of Engineers, Pittsburgh District, or an applicable segment of USGS topographic map, county or other commercially available map or a hand sketched vicinity map (see attached sample drawings).

g. A plan and profile view drawing. The sketched plan view drawing should show the dimensions of the proposed work, the structure referenced to a readily identifiable, fixed object on shore, the normal pool shoreline and the direction of the water's flow at the work site. The profile view drawing should show the work in relation to normal pool elevation, slope of work, and types and quality of materials being used (see attached sample drawings).

8. Upon receipt of the owner(s) notification, the District Engineer, U. S. Army Engineer District, Pittsburgh, will consult the latest published version of the National Register of Historic Places for the presence or absence of registered properties or properties listed in the latest published version of the Register as being eligible for inclusion therein. If presently unknown archeological, scientific, prehistorical, or historical data is discovered during the prosecution of the work, further work shall cease and the owner(s) shall inform the District Engineer of such discovery.

9. This Regional Permit, unless specifically modified, suspended, or revoked, would be in effect for a period of five years from the date of issuance and may be considered for revalidation at that time.

10. The conditions and requirements of this Regional Permit are attached to this Public Notice.

11. Further information may be obtained at the following location:

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, PITTSBURGH
REGULATORY BRANCH
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222-4186
PHONE: 412-395-7152

FOR THE DISTRICT ENGINEER:

Atch
Appendix A & B


Albert H. Rogalla
Chief, Regulatory Branch

APPENDIX A

**NAVIGABLE WATERS
OHIO RIVER AND TRIBUTARIES**

<u>Ohio River Mile</u>	<u>Stream</u>	<u>Jurisdiction Miles Above Mouth</u>
40.0	Ohio River (Pennsylvania/West Virginia border to Mile 127.2 Pittsburgh/Huntington District border)	
52.8	Tomlinson Run	0.6
71.6	Virginia Cross Creek	0.8
74.6	Buffalo Creek	1.4
101.3	Little Grave Creek	0.4
102.5	Grave Creek	1.1
113.8	Fish Creek	4.1
122.3	Proctor Creek	0.2

MONONGAHELA RIVER AND TRIBUTARIES

<u>Monongahela River Mile</u>	<u>Stream</u>	<u>Jurisdiction Miles Above Mouth</u>
91.2	Monongahela River (Pennsylvania/West Virginia border to the head at Fairmont, West Virginia)	128.7
128.7	Tygart River	7.0
128.7	West Fork River	74.0
148.7	Elk Creek (tributary of West Fork River)	27.0
178.7	Tenmile Creek (tributary of West Fork River)	1.0

APPENDIX B

SPECIAL CONDITIONS

a. The configuration of the shoreline shall remain substantially the same and the work shall blend harmoniously with adjacent properties.

b. The construction of spur dikes, guide banks, or streambank channel restoration or realignment are not authorized by this permit.

c. The work shall not exceed the placement of the maximum of two cubic yards per running foot for a distance not to exceed 500 feet.

d. The riprap encroachment shall not exceed the maximum of five feet channelward from the existing normal waterline. Encroachments of five feet will only be necessary in extreme cases where banks are high and nearly vertical. Encroachments of less than three feet are preferred.

e. The bank protection should be constructed in two layers.

(1) An outer layer of massive particles to resist the forces of moving water.

(a) The outer layer or principal protecting layer should consist of well graded particles of stone, concrete, or masonry rubble averaging between 8 and 12 inches in size.

(b) The protecting layer should be placed to a thickness equal to or slightly thicker than the maximum particle size.

(2) An underlying filter layer of fine material.

(a) Satisfactory filter materials are mixtures of gravel and clean sand with about 80 percent of the material ranging between two inches and 1/4-inch. An alternative is a commercially available plastic filter cloth.

(b) The gravel filter layer should be placed to a thickness of approximately 50 percent of the overlying protective stone layer.

f. Only clean, non-polluting materials will be used for riprap or stone protection in order to minimize excessive turbidity by leaching of fines as well as to preclude the entrance of undesirable chemical constituents to the watercourse by natural runoff or by leaching.

g. If concrete rubble is used, all reinforcing rods shall be cut off flush with the surface of the concrete.

h. Broken asphalt is specifically excluded from use as shore protection under the provisions of this Regional Permit.

i. Quarryrun stone is ungraded stone direct from a quarry excavation with only the maximum size specified. If quarry or river run stone filling is used, a wedge of stone should be dumped against the base of the bank. The bottom of the wedge should be thick enough that, rising with an exterior slope of 1.5 horizontal to 1.0 vertical, there is a minimum thickness of 12 inches at the top of the zone to be protected. If the quarryrun stone fill is placed in a uniformly graded layer, it should be a minimum of 18 inches thick. No filter layer is required for quarry or river stone filling.

j. Slope protection should not be placed with an exterior slope steeper than 1.5 horizontal to 1.0 vertical. Flatter slopes, to a maximum of 2.0 horizontal to 1.0 vertical, will tend to be more stable.

k. A trench may be excavated at the toe of the slope to stabilize streambank or shoreline protection. Such a trench should be extended to an elevation at least one foot below the ordinary minimum pool level and filled with material compatible with the outer protecting layers.

l. Excavation or filling in the watercourse will be done so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life. Work will be accomplished between July and March when impacts upon fish spawning are minimal.

m. Dredging is not authorized under this permit.

n. Owner(s) will investigate for water supply intakes or other activities immediately downstream which may be affected by suspended solids and turbidity increases caused by work in the watercourse. He/she will give written notice to owners or operators of any such water supply intakes before beginning work in the watercourse in sufficient time to allow preparation for any change in water quality.

o. Deposition of excavated materials on shore and all earthwork operations will be carried out in such a way that soil erosion and sediment runoff to the watercourse are controlled and minimized. Upon completion of the operations, areas disturbed during construction will be seeded, ripped, or given some other type of appropriate protection from soil erosion. Wildflowers and/or other native plants should be used when possible. A thin layer of soil should be applied to the upper portion of the ripped slope and seeded with fast growing grasses and legumes.

p. The owner(s) will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.

q. The owner(s) shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time to insure that the work is in accordance with the terms and conditions prescribed herein.

r. If, upon inspection, an activity authorized by this Regional Permit is not being constructed or has not been constructed, or is not being maintained at a particular location in accordance with these conditions or to the satisfaction of the District Engineer, the authorization of the activity at such location may be revoked, and an individual application for the work at such location may be required, or the completed work ordered to be removed.

s. This Regional Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations, nor does it obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

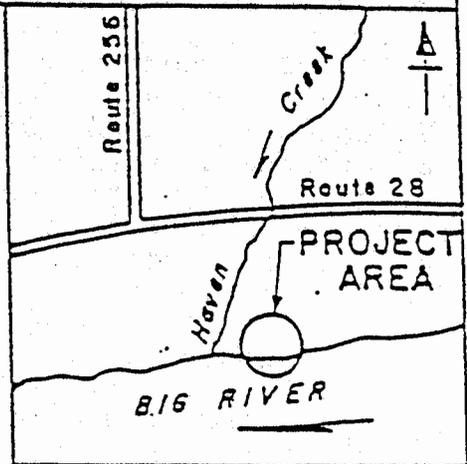
t. This Regional Permit does not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

u. If and when the permittee proposes to abandon or remove any facility constructed under this Regional Permit, he must submit plans to the District Engineer for restoration of the area to a condition satisfactory to the District Engineer.

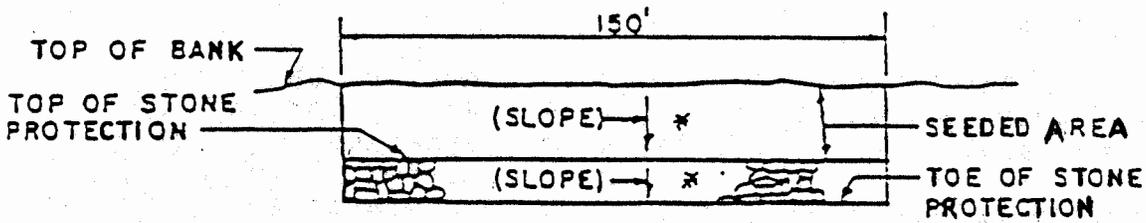
v. Violations of the terms and conditions of this Regional Permit may result in the institution of such legal proceedings as the United States Government may consider appropriate.

PLACED STONE PROTECTION

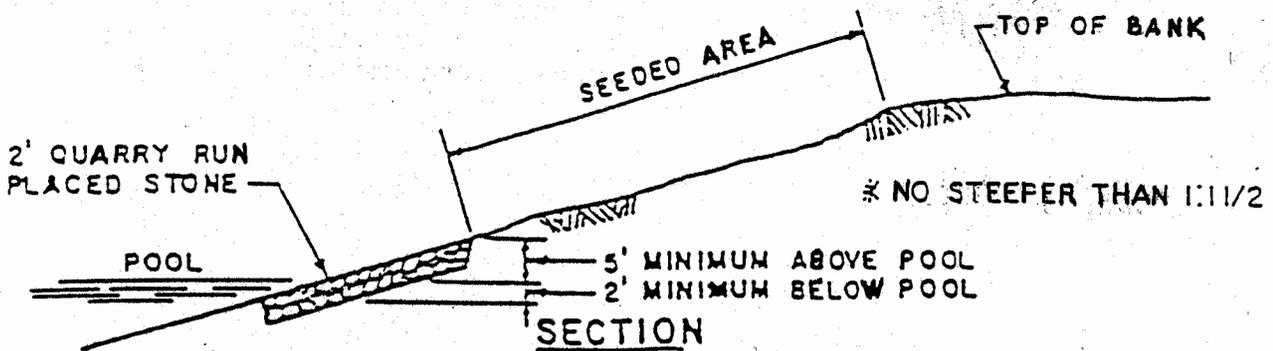
SAMPLE DRAWING



VICINITY MAP



PLAN

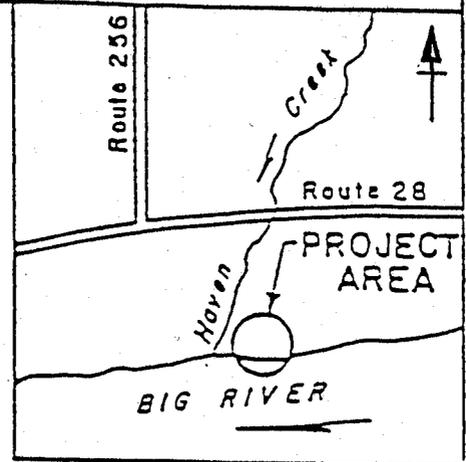


SECTION

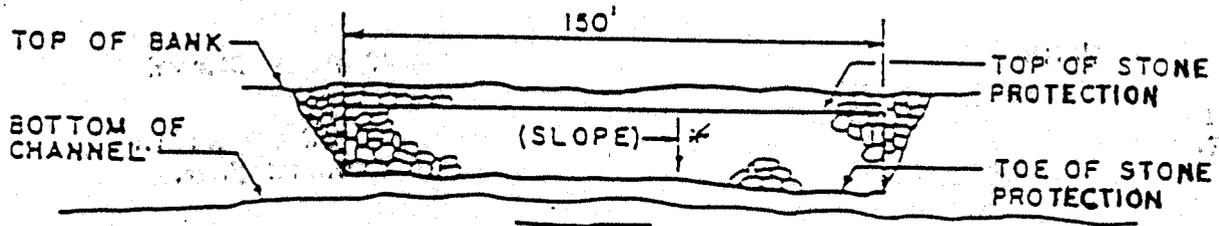
PROPOSED STONE PROTECTION
IN: BIG RIVER
COUNTY:
STATE:
APPLICATION BY:
DATE:

DUMPED STONE PROTECTION

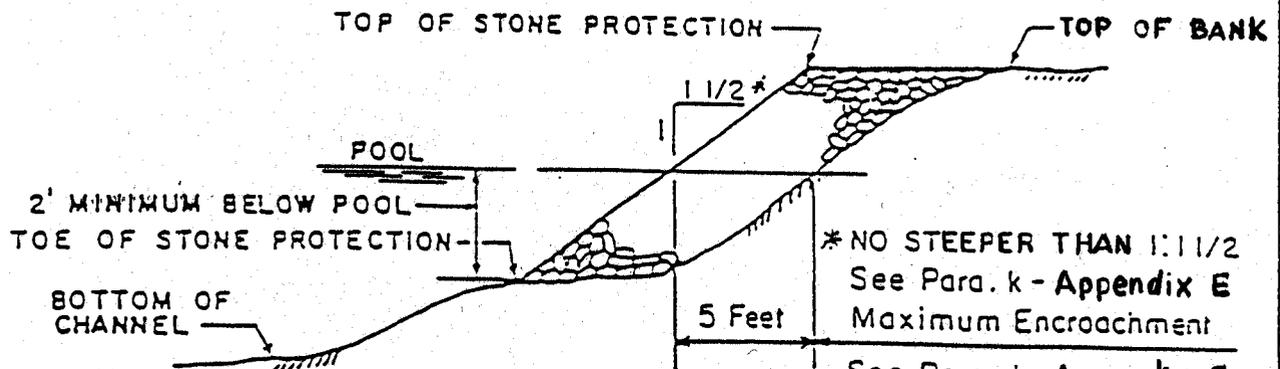
SAMPLE DRAWING



VICINITY MAP



PLAN

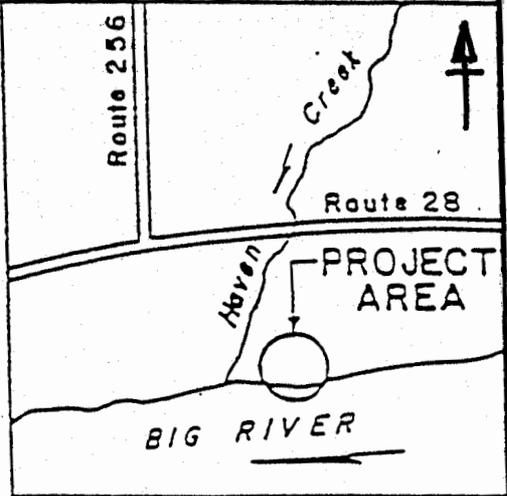


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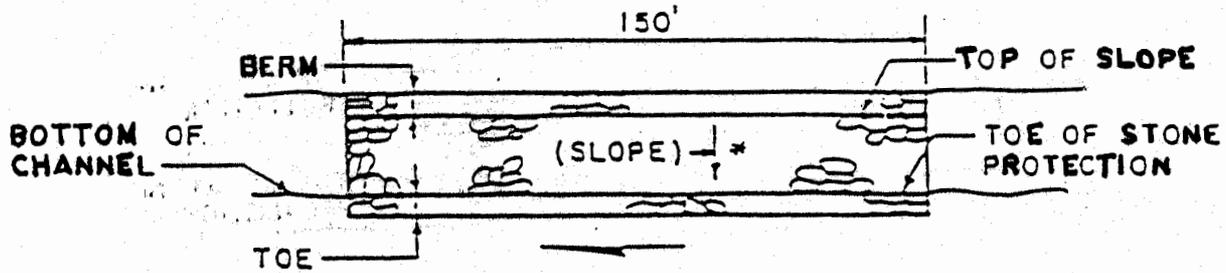
PROPOSED STONE PROTECTION
IN: BIG RIVER
COUNTY:
STATE:
APPLICATION BY:
DATE:

RIP RAP PROTECTION

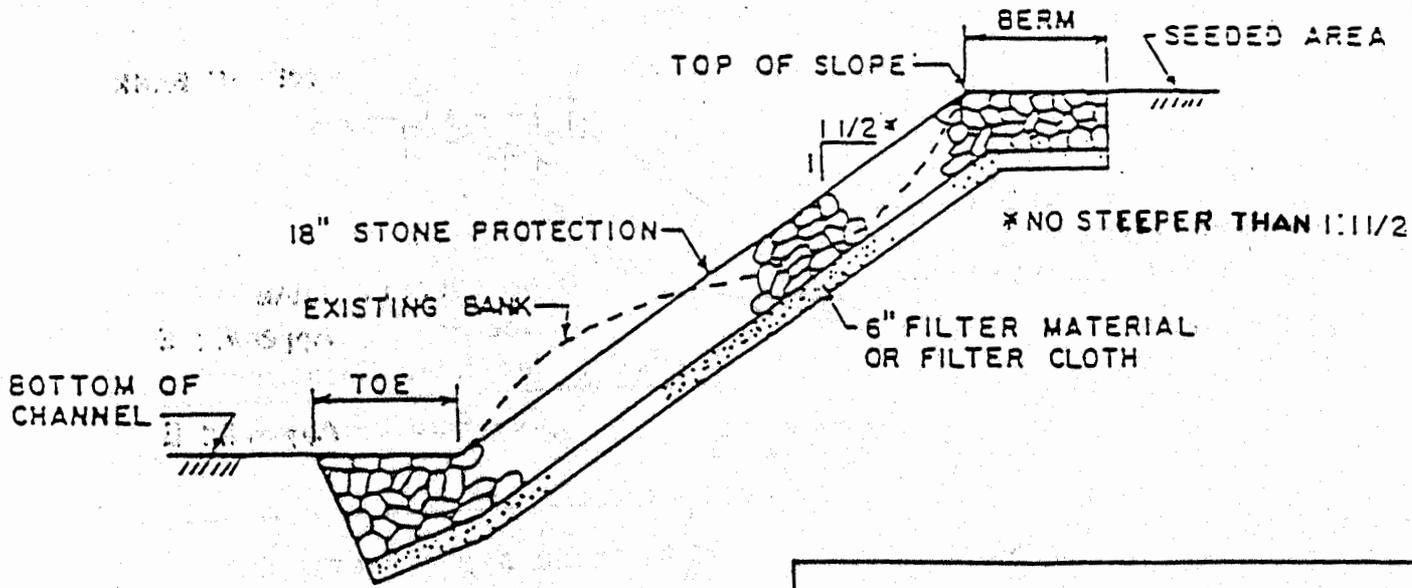
SAMPLE DRAWING



VICINITY MAP



PLAN



SECTION

PROPOSED RIP RAP PROTECTION
IN: BIG RIVER
COUNTY:
STATE:
APPLICATION BY:
DATE: