



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. 200502448

Date: February 8, 2006

Notice No. 06-09

Closing Date: March 6, 2006

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: American Coal Sales
56854 Pleasant Ridge Road
Alledonia, OH 43902
3. LOCATION: Ohio River, River Mile 110.2, in Powhatan Point, Belmont County, Ohio
4. PURPOSE AND DESCRIPTION OF WORK: American Coal Sales proposes to expand their existing barge fleeting/mooring area by installing three (3) new 20' diameter sheet pile mooring cells, and constructing six (6) new land-based concrete deadmen with mooring line floatation devices, located at 195' center to center spacing. When complete, this project will enable the fleeting capability to be expanded to provide an additional upstream area of 140' wide x 2,400' long. The existing ice breaker cells will be incorporated into the proposed mooring facility's design. No filling or dredging is proposed other than the rock fill which is tightly contained within the proposed sheet pile mooring cells. Drawings (Sheet 1 of 4 to Sheet 4 of 4) of the proposed project are attached to this notice.
5. 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).
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. The Corps of Engineers will consider all responses and determine if any new information may be revealed that would warrant a public hearing.

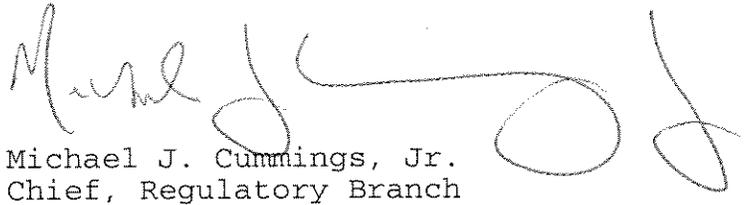
8. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect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

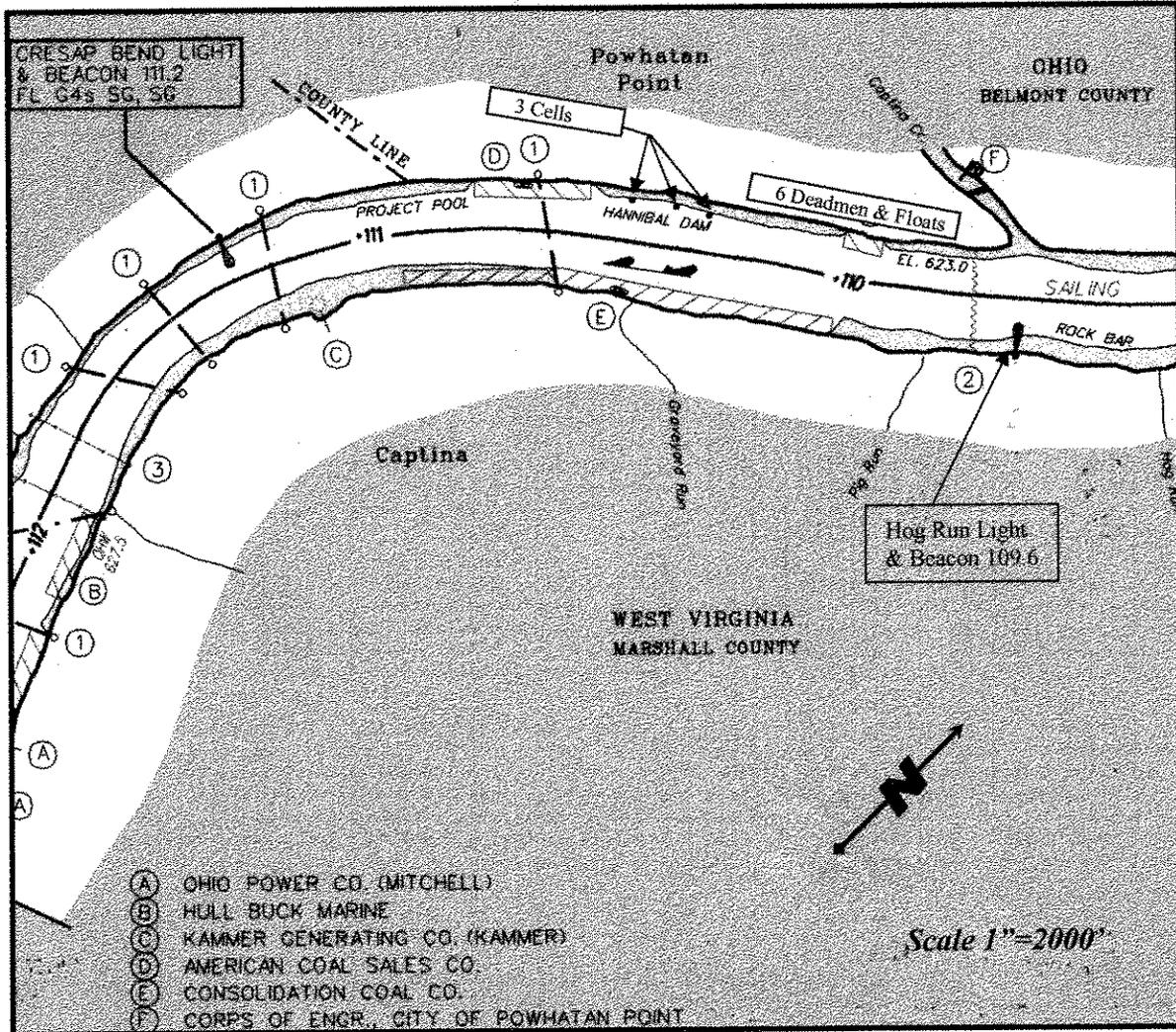
CELRP-OP-F
Public Notice No. n

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: Mr. Fred Pozzuto, Chief, Permit Enforcement and Surveillance Section at the above address, by telephoning (412) 395-7275, or by e-mail at Fred.Pozzuto@usace.army.mil. Please refer to CELRP-OP-F 200502448, PN 06-09 in all responses.

FOR THE DISTRICT ENGINEER:



Michael J. Cummings, Jr.
Chief, Regulatory Branch



**References: Permit # 89019 dated 6 Feb 1989,
Coal Loading Facilities**

**Permit #93112 issued 10 Jan 1994,
As modified – Corps letter 28 March 2003**

Permit 91058, issued 15 Jan 1992

Applicant:

**American Coal Sales Co.
56854 Pleasant Ridge Rd.
Alledonia, OH 43902**

**Barge Fleeting
OH River 110.4 RDB
Location**

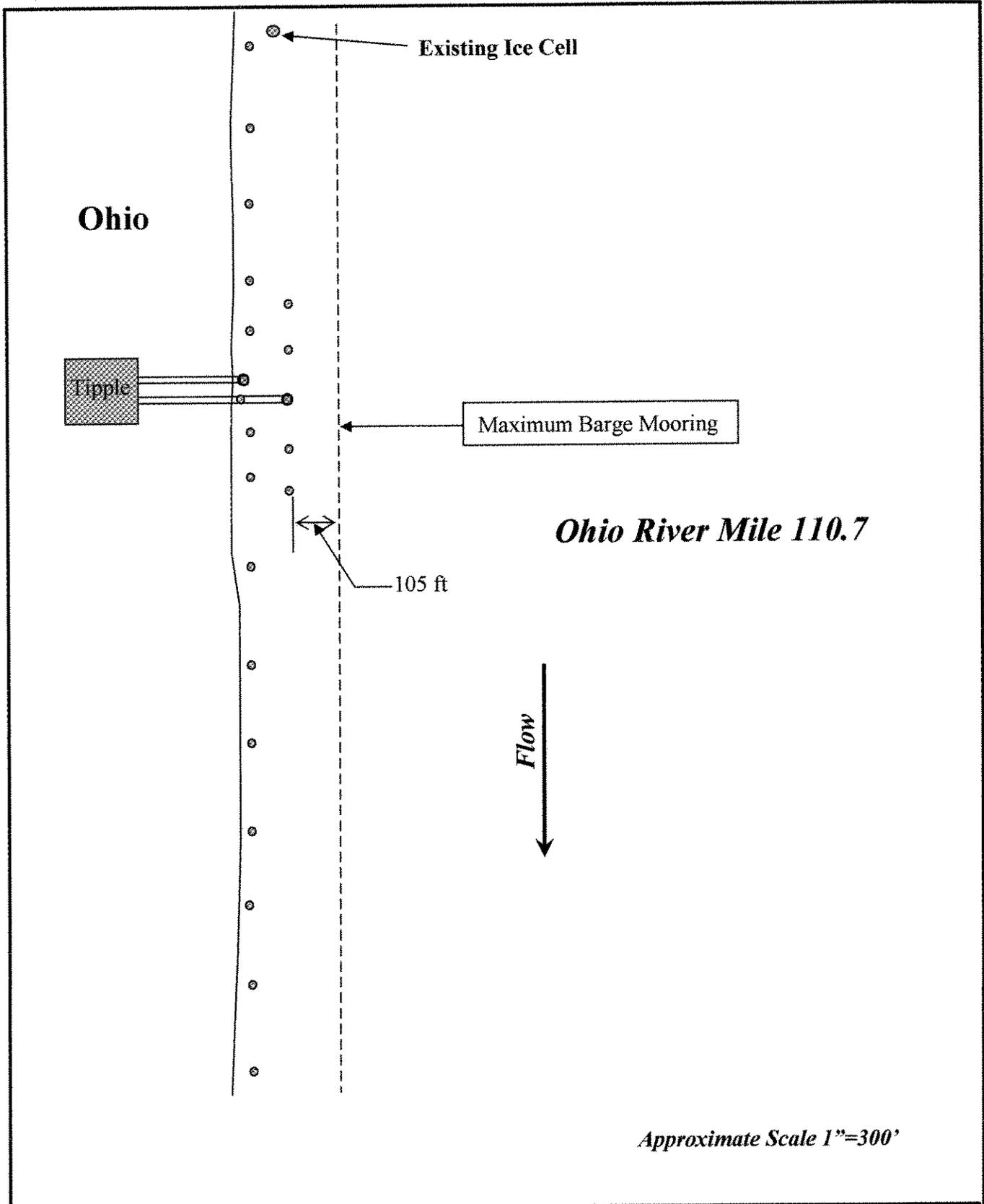
Agent:

**XCorps, LLC, P.O.Box 144
Cincinnati OH, 45201**

Sheet 1 of 4

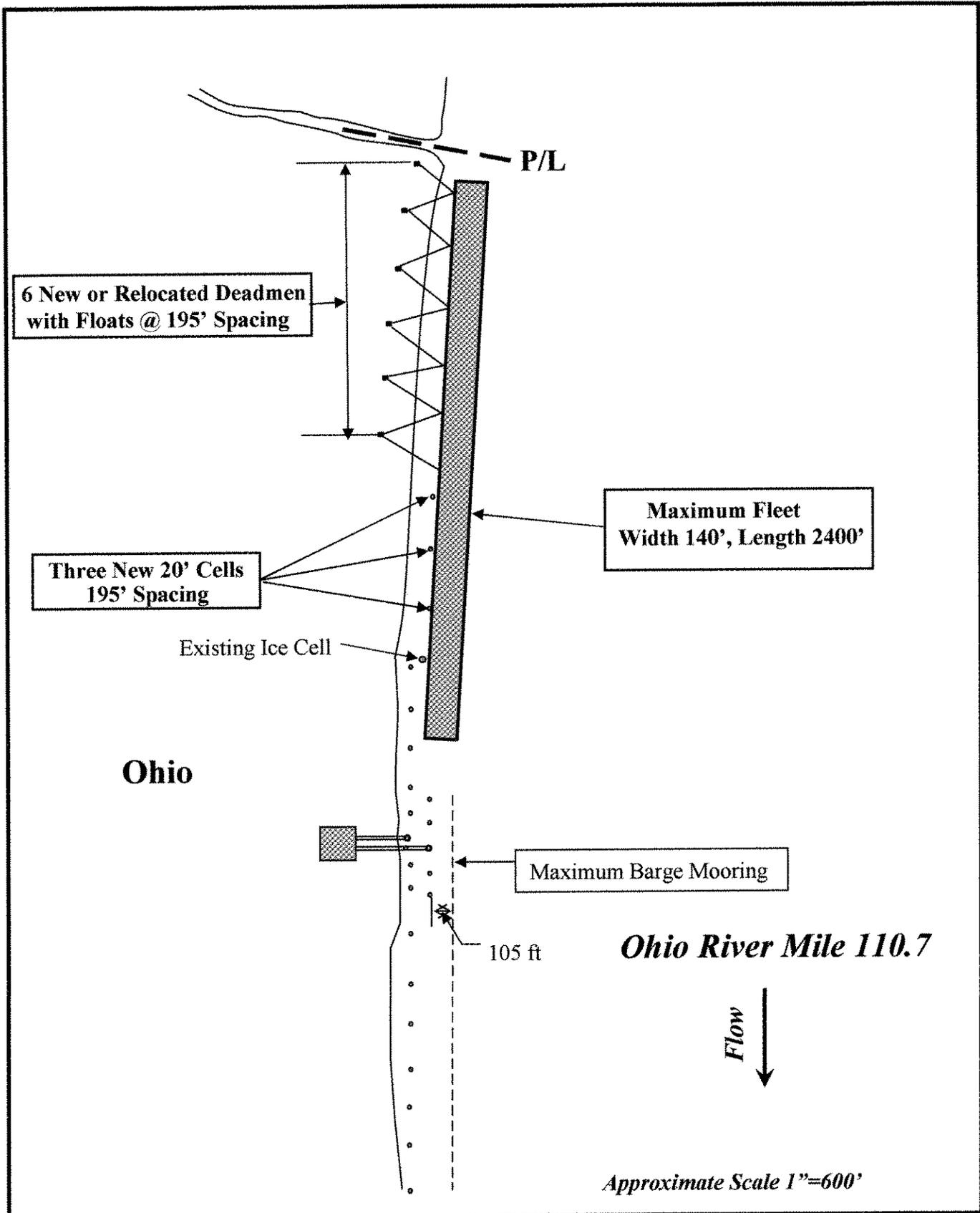
30 Nov 2005

RAMS # 200502443



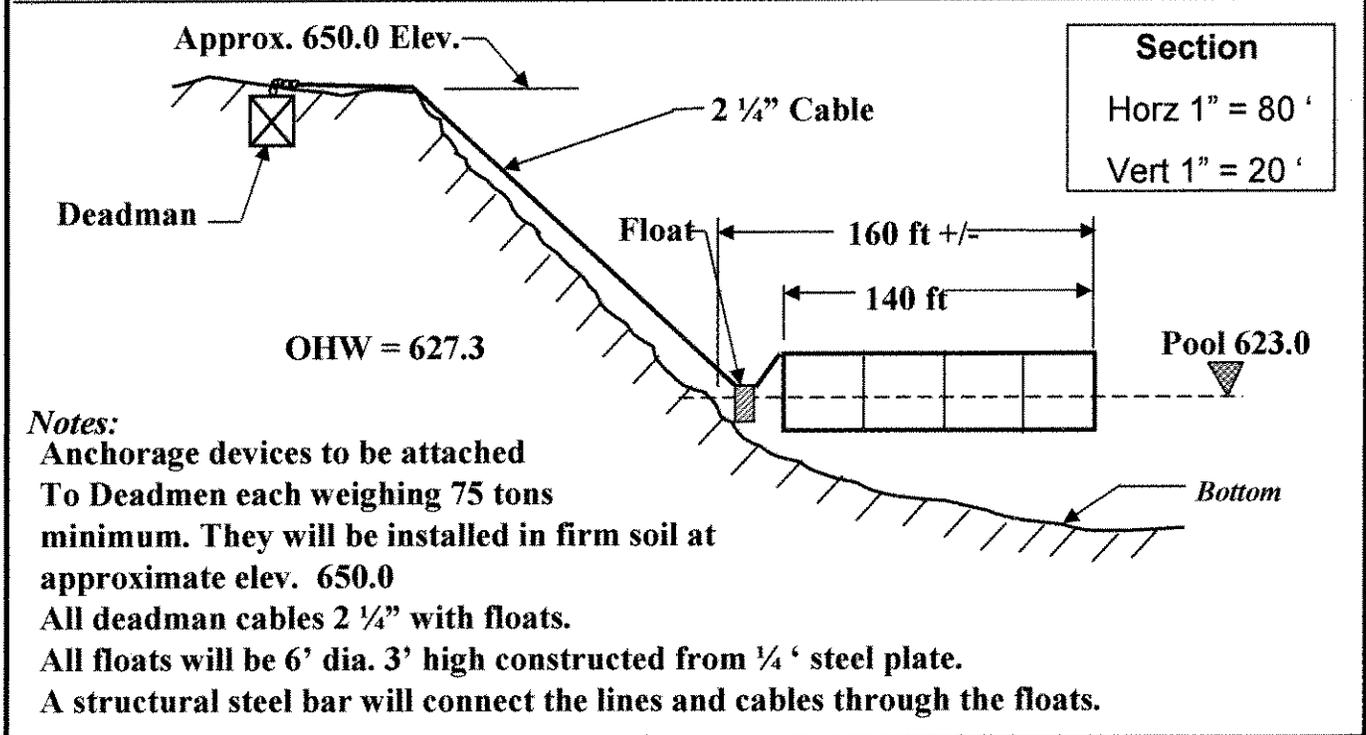
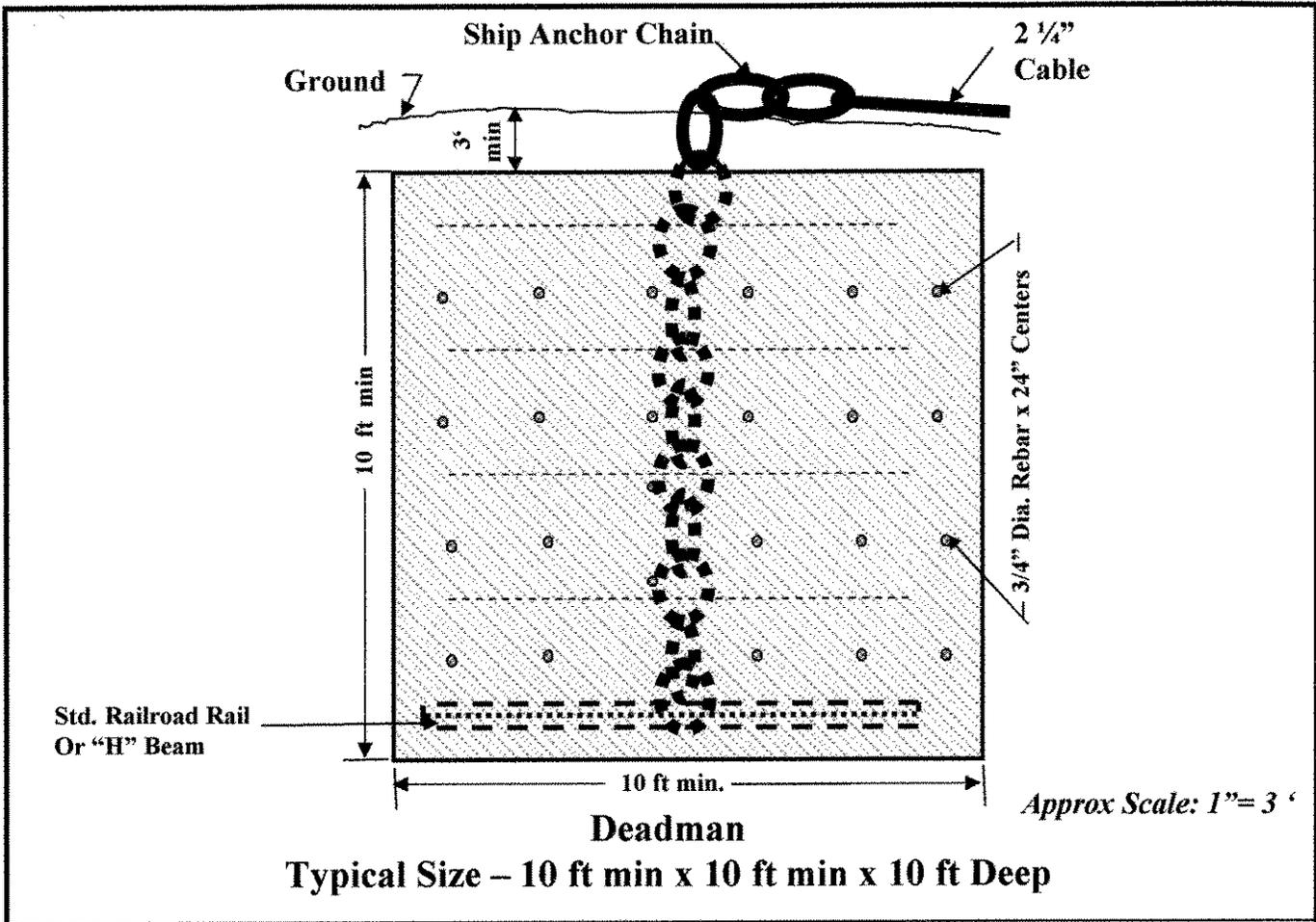
Applicant: American Coal Sales Co. 56854 Pleasant Ridge Rd. Alledonia, OH 43902	Coal Loading Facility OH River 110.7 RDB Overall Layout - Existing	Agent: XCorps, LLC, P.O.Box 144 Cincinnati OH, 45201	
		Sheet 2 of 4	30 Nov 2003

RAMS# 200502448



Applicant: American Coal Sales Co. 56854 Pleasant Ridge Rd. Alledonia, OH 43902	Coal Loading Facility OH River 110.7 RDB Proposed Modification 3 New Cells & 6 Deadmen	Agent: XCorps, LLC, P.O.Box 144 Cincinnati OH, 45201	
		Sheet 3 of 4	30 Nov 2005

Plans # 200502448



Applicant: American Coal Sales Co. 56854 Pleasant Ridge Rd. Alledonia, OH 43902	Coal Loading Facility OH River 110.7 RDB Typical Deadman	Agent: XCorps, LLC, P.O.Box 144 Cincinnati OH, 45201
		Sheet 4 of 4 30 Nov 2005

RAMS # 200502448