

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. 200601413

Date: August 29, 2006

Notice No. 06-39

Closing Date: September 18, 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 and Section 404 of the Clean Water Act.
2. APPLICANT: Erie Sand and Gravel Company
PO Box 179
Erie, PA 16512-0179
3. LOCATION: Lake Erie, between 7 and 16 miles off Presque Isle, Erie County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to hydraulically dredge approximately 300,000 cubic yards of sand and gravel for commercial purposes annually, for a period of five years, from a 19.6 square mile area in Lake Erie. The material would be screened, and fines and water from processing would be returned to the lake within the designated dredging area. This has been an ongoing project since 1920, with modifications to the permitted area over the years to its present size and shape. A map of the location of the proposed dredge area is attached to this notice.
5. ENCROACHMENT PERMIT: The applicant has an existing Pennsylvania Department of Environmental Protection encroachment permit which includes State 401 Water Quality Certification (Permit No. E25-041 and 041A).
6. COASTAL ZONE MANAGEMENT CONSISTENCY: The Applicant is required to certify that the proposed activity complies with the Commonwealth of Pennsylvania's Coastal Zone Management Program. Any comments on the Consistency of the proposed activity with the State's Coastal Management Program should be forwarded to:

Coastal Zone Management Office
Office of Resources Management
Pennsylvania Department of Environmental Protection
Post Office Box 8555
Harrisburg, Pennsylvania 17120

7. 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).

8. 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).

9. 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.

10. 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

CELRP-OP-F
Public Notice No. 06-39

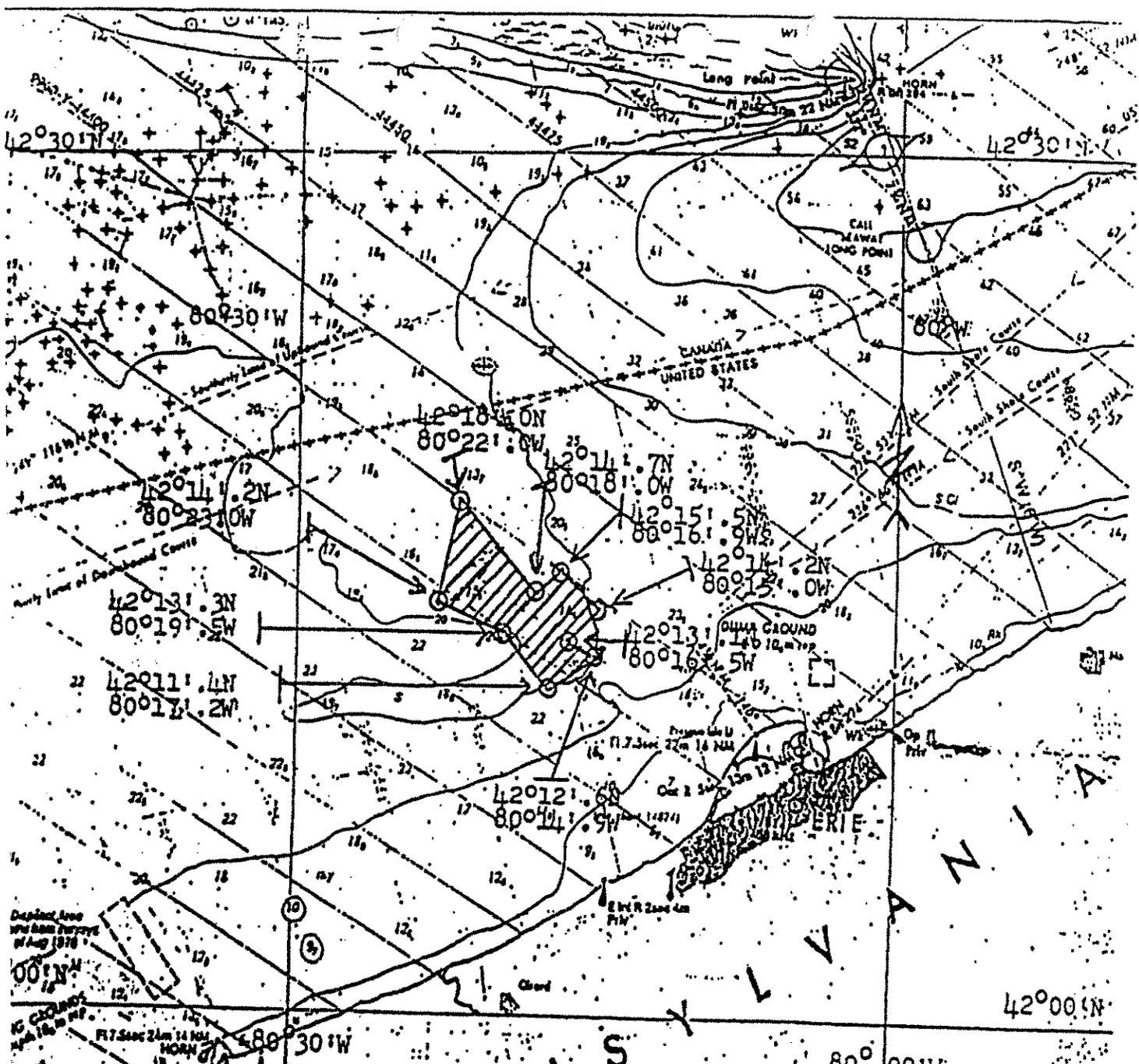
the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. 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 Linda Malsch, at the above address, by telephoning (412) 395-7392, or by e-mail at linda.m.malsch@usace.army.mil. Please refer to CELRP-OP-F 200601413 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Michael J. Cummings, Jr.
Chief, Regulatory Branch



COPIED FROM N.O.A.A. CHART NO. 14820, 5th Ed., Mar. 5/83
 MERCATOR PROJECTION
 DEPTHS IN METERS AND DECIMETERS - SCALE 1:400,000
 (42°00'N)

PROPOSED DREDGING OF SAND AND GRAVEL FOR COMMERCIAL PURPOSES IN LAKE ERIE OFF PRESQUE ISLE, PA

Area applied for is 19.6 square miles.
 Directions are True - Distances in Statute Miles
 From 42°11'.4N - 80°17'.2W: 320°-3M; Then 292°-3.16M;
 Then 011°-4.15M; Then 139°-5.18M; Then 48°-1.61M;
 Then 131°-2.3M; Then 228°-1.84M; Then 114°-1.44M;
 Then 236°-2.53M - END.

86-476-16
 APPLICATION BY:
 ERIE SAND & GRAVEL CO.

200601413