



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. 2007-299

Date: May 31, 2007

Notice No. 07-21

Closing Date: June 20, 2007

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: Morgantown Industrial Park, Inc.
3717 Morgantown Industrial Park
Morgantown, WV 26501

AGENT: Enrout Properties, LLC
1445 Stewartstown Road
Morgantown, WV 26508
3. LOCATION: Monongahela River, left bank, Mile 103.0-103.4, Westover, Monongalia County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to perform maintenance dredging, as necessary, for a period of 10 years, to remove accumulated sediment at their barge docking facility to provide adequate water depth for material barges. Approximately 5,000 cubic yards of sediment would be removed from an area 2,100 feet long by 20 feet wide, to a depth of 6 feet below normal pool elevation 814.0. The dredged material would be transported to an upland disposal site to preclude its reentry into the waterway. A drawing of the proposed work is 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.

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 Linda Malsch, at the above address, by telephoning

CELRP-OP-F
Public Notice No. 07-21

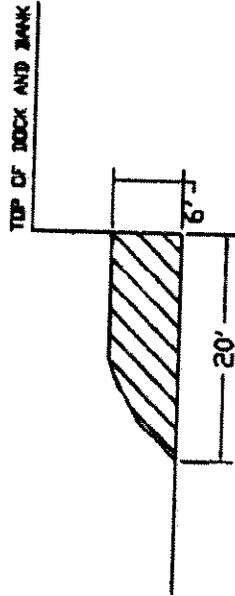
(412) 395-7392, or by e-mail at linda.m.malsch@usace.army.mil. Please refer to CELRP-OP-F 2007-299 in all responses.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Scott A. Hans". The signature is fluid and cursive, with a large initial "S" and "H".

Scott A. Hans
Acting Chief, Regulatory Branch

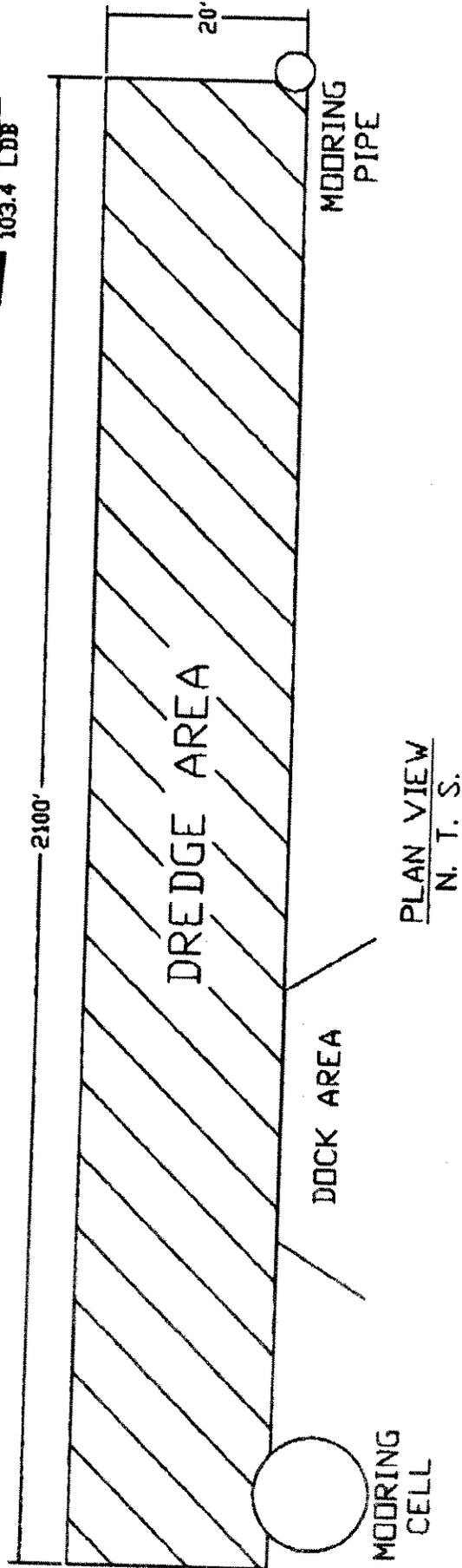
MORGANTOWN INDUSTRIAL PARK
4000 MORGANTOWN INDUSTRIAL PARK
WESTOVER, WV



CROSS SECTION VIEW
N. T. S.

103.0 LDB

MON RIVER
103.4 LDB



PLAN VIEW
N. T. S.

#2007-299

WHITE ROCK LIGHT
& DAYMARK 104.3
FL G4s
SG, SG

SAILING LINE

WEST VIRGINIA
MONONGALIA COUNTY

Booths Creek

Morgantown Ind. Park
4000 Morgantown Ind. Park
Westover, WV 26501

Morgantown

RESTRICTED AREA

MORGANTOWN LOCK & DAM
MI. 102.0
Telephone No. 304-292-1885

GRASSY ISLAND
DAYMARK 105.1
TR UPSTREAM

PROJECT POOL
MORGANTOWN DAM
EL. 814.0

WEST VIRGINIA
MONONGALIA COUNTY

ER CROSSING

LINE
79 HIGHWAY BRIDGE

- (A)
- (B)
- (C)
- (D)
- (E)
- (F)

MORGANTOWN WATER CO.
DECKERS CREEK LIMESTONE CO.
THOR ENERGY, INC.
W. VA. D.N.R. PUBLIC RAMP
TWIN SPRUCE MARINA & RAMP
WEST SIDE RIVER TERMINAL

NOTE: See opposite page for clearance data.

MONONGAHELA

500' 0 500' 15

SCALE 1"=1500'

CHART I

MANAGE TO CHART 29

102.0

105.1

#2007-299